

Harper's Stereotype Edition.

CICERO.

THE ORATIONS TRANSLATED BY DUNCAN,
THE OFFICES BY COCKMAN,
AND THE CATO AND LÆLIUS BY MELMOTH.

IN THREE VOLUMES.

VOL. I.

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OF

THE FIRST VOLUME.

"Duncan's Cicero is well known as an elegant translation of more than ordinary merit."—MONTHLY REVIEW.

BIOGRAPHICAL SKETCH

OF

CICERO.

Marcus Tullius Cicero was born on the 3d of January, A. U. C. 647, about 107 B. C. His mother, who was named Helvia, was rich and well descended; and the family of his father, though it had never borne any of the great offices of the republic, was yet very ancient and honourable; of principal distinction and nobility in that part of Italy in which it resided; and of equestrian rank from its first admission to the freedom of Rome.

The place of his birth was Arpinum, a city anciently of the Samnites, now part of the kingdom of Naples, which on its submission to Rome acquired the freedom of the city, and was inserted into the Cornelian tribe. It had the honour also of producing the great C. Marius; which gave occasion to Pompey to say, in a public speech, "that Rome was indebted to this corporation for two citizens who had, each in his turn, preserved it from ruin."

The father of Cicero was a wise and learned man, whose merit recommended him to the familiarity of the principal magistrates of the republic. His family consisted of two sons, Marcus and Quintus; and he was desirous to give them the best education which Rome could afford, in hopes to

pirates, and his presence on the spot with a large army, made it likewise the more plausible; so that after a sharp contest and opposition in the senate, Cicero carried his point, and got the law confirmed by the people. He was now in the career of his fortunes, and in sight, as it were, of the consulship, the great object of his ambition; so that his conduct was suspected to flow from an interested view of facilitating his own advancement, by paying this court to Pompey's power; but the modesty and abstinence of that great captain, joined to the superiority of his military fame, might probably convince him that it was not only safe, but necessary at this time, to commit a war, which no one else could finish, to such a general; and a power, which no one else ought to be intrusted with, to such a man.

Cicero, at the expiration of his pretorship, would not accept any foreign province, the usual reward of that magistracy, and the chief fruit which was generally proposed from it. He was now preparing to sue for the consulship, to which he was excited no less by honourable ambition than by the patriotic design of repelling the factious attempts of the infamous Catiline and his associates, who had conspired to effect a liquidation of their enormous debts by the introduction of public anarchy, and to erect a tyranny of their own on the ruins of the commonwealth. For this purpose they set up Catiline as a candidate for the consulship. His prospects for some time assumed a promising appearance, and he hoped to have C. Antonius for his colleague; a man who had no firm principles, either good or bad, but who would make a considerable addition to the power of him that led him. The patricians, aware of their danger, supported the claims of Cicero, whom the people accepted with pleasure. Catiline was baffled, and Cicero and C. Antonius appointed consuls.

Disappointed in his schemes of ambition, Catiline convened a general meeting of the conspirators: at which a simultaneous insurrection throughout Italy, and an indiscriminate massacre of the whole senatorial body, was determined on: which was to be preceded by the assassination of Cicero, whom two knights engaged to murder in his bed the following morning, under pretence of consulting him. Fulvia, the mistress of one of the confederates, being apprized of this design, informed Cicero of the impending danger; who lost no time in summoning the senate, where Catiline had the confidence to appear; which so shocked the whole assembly, that none of his acquaintance durst venture to salute him. Cicero was so provoked by this impudence, that instead of entering on any business, addressing himself to Catiline, he laid open the whole course of his villanies, and succeeded in driving him from the city to the camp of Manlius, a bold and experienced centurion, who had raised a considerable army in Etruria, and waited only for the orders of Catiline to commence hostilities.

Lentulus and the rest of the conspirators who were left in the city, in the mean time, were preparing all things for the execution of their grand design; in which they endeavoured to procure the concurrence of the ambassadors of the Allobroges, a people inhabiting the countries of Savoy and Dauphiny, who were preparing to return home from an unsuccessful embassy to the senate. They received the proposal at first very readily, and agreed to raise a body of cavalry in their favour; but on further reflection of the danger of involving themselves and their country in so desperate a cause, they resolved to discover the plot to Q. Fabius Sanga, the patron of their city, who immediately gave intelligence to the consul. Cicero, having made himself master of the letters and papers of the

ambassadors, proceeded to arrest the principal conspirators, who were convicted before the senate on the clearest evidence. After a long debate, on the following day, respecting the punishment to be inflicted on such abandoned criminals, the motion of Julius Cæsar for perpetual imprisonment and confiscation of their estates was superseded by Cato and Catulus, who insisted on the necessity of resorting to capital punishment: in which they were supported by a majority of the senate, who decreed public thanks to Cicero, styling him "the father of his country, and the second founder of Rome." The senate was no sooner dismissed than Cicero took Lentulus from the custody of his keeper, and conveyed him through the forum to the common prison, where he delivered him to the executioners, who presently strangled him: a like fate awaited the other conspirators: and when the affair was over, Cicero was conducted home in a kind of triumph by the whole body of the senate and the knights, the streets being all illuminated, and the populace proclaiming him their saviour and deliverer. Shortly after, the forces of Catiline were successfully encountered by Petreius, lieutenant of the consul Antonius; who, after a sharp and bloody action, in which he sustained considerable loss, destroyed the whole of the rebel army, with its leader, who fought with the utmost desperation to the last.

The consulship of Cicero was scarcely completed when he was involved in a dispute with Clodius, a dissipated young nobleman, who profaned the mysteries of a religious rite, in which none but females were allowed to be present, by an intrusion in women's apparel. He was soon after brought to trial for this violation of divine and human laws; but he corrupted his judges, and by those means screened himself from justice. The testimony of Cicero, on this occasion, filled the culprit with so

much indignation, that he resolved to prosecute his revenge, and was soon enabled to effect his purpose.

Pompey the Great now returned to Rome, in the height of his fame and fortunes, from the Mithridatic war. In order to strengthen his interest, he soon after united with Cæsar and Crassus, and formed the first triumvirate; each party solemnly swearing that their attachment should be mutual, their cause common, and their union permanent. The agreement was completed by the marriage of Pompey with Julia, the daughter of Cæsar, and the provinces of the republic were arbitrarily divided among the triumvirs. To Pompey was allotted Africa and the two Spains, while Crassus repaired to Syria, to add Parthia to the empire of Rome; and Cæsar was rewarded with the government of Gaul for five years, which was afterward renewed. The triumvirs, dreading the opposition of Cicero to their arbitrary decrees, procured Clodius's adoption into a plebeian family, and his election to the office of tribune; which he no sooner obtained than he charged Cicero with a flagrant violation of all justice and law, in putting the conspirators to death without any form of trial. Openly supported by the consuls Piso and Gabinius, and secretly favoured by the triumvirate, this wicked tribune was enabled to drive Cicero from the city which he had preserved. After taking an affectionate leave of his wife, Terentia, and his two children, he embarked for Sicily, where he was received with the most cordial sympathy, notwithstanding a decree which was published soon after his exile, prohibiting him fire and water, and admission into any house within five hundred miles of Italy. Being compelled to quit the island by the command of C. Virginius the pretor, he repaired to Brundusium, whence he set sail for Macedonia, and visited Athens. Wherever he went he was received with the highest marks of approbation and

reverence, although, it must be confessed, he somewhat tarnished the lustre of his character by his despondency and complaints. Clodius, in the mean time, demolished the houses of Cicero both in the city and country, and divided the greater part of his goods between the two consuls; and to make the loss of his house in Rome irretrievable, consecrated the area on which it stood to the perpetual service of religion, and built a temple on it to the goddess Liberty. Not content with this brutal outrage, he pursued his wife and children with the same fury, and made several attempts to get young Cicero, then about six years old, into his hands, with an intent to kill him: but the child was carefully guarded by the friends of the family, and removed from the reach of his malice. His late success had made him so insolent that his friends could not tolerate him any longer. He now began to fancy himself a match for Pompey, who, as well to correct the arrogance of Clodius as to retrieve his credit, and ingratiate himself with the senate and people, resolved to effect the recall of Cicero from exile. It is said that no resolution was ever carried by the people with so much unanimity; and the senate decreed that their thanks should be given to those cities which had treated him with kindness and respect during his exile, and that his town and country-houses, which had been demolished, should be rebuilt at the public charge. This was one of the last genuine acts of free Rome; one of the last efforts of public liberty, exerting itself to do honour to its patron and defender: for the union of the triumvirate had already given it a dangerous wound; and their dissension, which not long after ensued, entirely destroyed it.

Cicero, embarking for Italy, after an absence of sixteen months, landed the next day at Brundusium, where he found his daughter Tullia already arrived to receive him. The whole road from Brundusium

to Rome was but one continued street, lined on both sides with crowds of men, women, and children; nor was there a town or colony through Italy which did not decree him statues or public honours; that it was rather less than the truth, as Plutarch says, what Cicero himself tells us, "that all Italy brought him back on its shoulders."

The return of Cicero was scarcely effected, when an unusual scarcity of corn and provisions was experienced in the city, which had been greatly increased by the late concourse of people from all parts of Italy on Cicero's account. A decree was accordingly passed, at the recommendation of Cicero, by which the whole administration of the corn and provisions of the republic was to be granted to Pompey for five years, with a power of choosing fifteen lieutenants to assist him in it. The object of this law was soon after completely answered; for the credit of Pompey's name immediately reduced the price of provisions in the markets, and his vigour and diligence, in prosecuting the affair, soon established a general plenty.

About this period Cicero had some domestic grievances which touched him nearly: they arose chiefly from the petulant humour of his wife Terentia, which began to give him frequent occasions of chagrin; and, by a series of repeated provocations, confirmed in him that settled disgust which ended at last in a divorce.

Cicero's palatine house and the adjoining portico of Catulus, which had been demolished by Clodius and his satellites, were now rebuilt by a decree of the senate. As Cicero was now restored to the possession both of his dignity and fortunes, so he was desirous to destroy all the public monuments of his late disgrace; nor could he be content to suffer the law of his exile to remain, with the other acts of Clodius's tribunate, hanging up in the capitol: watching therefore the opportunity of Clodius's ab-

sence, he went to the capitol, and, taking the tables down, conveyed them to his own house. This occasioned a sharp contest in the senate between him and Clodius, respecting the validity of those acts, and involved Cato also in the debate; who, for the sake of an embassy with which he had been intrusted to the island of Cyprus, thought himself obliged to defend their legality against Cicero; which created some little coldness between them, and gave no small pleasure to the common enemies of both.

Cicero now devoted himself for some years to the service of his friends and the general interests of the republic, when T. Annius Milo, who had contributed in no small degree to the recall of Cicero from exile, sued for the consulship. Clodius opposed his views; yet Milo would have succeeded, had not an unfortunate event totally frustrated his hopes. As he was going into the country, attended by his wife and a numerous retinue of gladiators and servants, he encountered his enemy on the Appian road, who was returning to Rome with three of his friends and some domestics completely armed. A quarrel arose between the servants: Milo supported his attendants, and the dispute became general. Clodius received many severe wounds, and was obliged to retire to a neighbouring cottage, whither he was pursued by Milo, who ordered his servants to despatch him. Eleven of the domestics of Clodius shared the fate of their master, as also the owner of the house who had given them reception. The next day the mob, headed by S. Clodius, a kinsman of the deceased, and one of his chief incendiaries, carried the body naked, in order that all the wounds might be seen, into the forum; where the violence and barbarity of Milo were severely inveighed against by three tribunes, who employed all the arts of party and faction to keep up the ill-humour of the populace; so that, the tumults still increasing, the senate at

length found themselves compelled to elect Pompey sole consul, who immediately applied himself to calm the public disorders, and to appoint a special commission to inquire into the death of Clodius. He was the only man in Rome who had the power to bring Milo to trial, or to procure his condemnation: not that he was concerned for Clodius's death, or the manner of it, but pleased rather that the republic was freed, at any rate, from so pestilent a demagogue: yet he resolved to take the benefit of the occasion for getting rid of Milo too, from whose ambition and high spirit he had cause to apprehend no less trouble. He attended the trial therefore in person, with a strong guard to preserve peace, and prevent any violence from either side. Cicero undertook the defence of his friend; but the continual clamours of the Clodian faction, and the sight of an armed soldiery, which surrounded the seat of judgment, so terrified the orator that he forgot the greatest part of his arguments, and the defence he made was weak and injudicious. Milo was condemned, and banished to Massilia: his debts were so great that he was glad to retire the sooner from the importunity of his creditors, for whose satisfaction his whole estate was sold by public auction. Milo soon after received from Cicero a copy of the oration in the form in which we now have it; and is stated to have remarked, that it was a fortunate circumstance for him that Cicero had not pronounced the oration which he sent, since he would not then have been eating such fine mullets at Massilia.

During this year Pompey enacted a new law against bribery; contrived to strengthen the old ones already subsisting, by disqualifying all future consuls and pretors from holding any province till five years after the expiration of their magistracies; for this was thought likely to give some check to the eagerness of suing and bribing for those great

offices, when the chief fruit and benefit of them was removed to such a distance. By the same enactment it was provided, that for the supply of governors for the interval of five years, in which the consuls and pretors were disqualified, the senators of consular and pretorian rank who had never held any foreign command should divide the vacant provinces among themselves by lot: in consequence of which, Cicero, who was obliged to take his chance with the rest, obtained the government of Cilicia, then in the hands of Appius, the late consul: this province included also Pisidia, Pamphylia, and three districts of Asia, together with the island of Cyprus; for the guard of all which a standing army was kept up of two legions, or about twelve thousand foot, with two thousand six hundred horse: and thus one of those provincial governments, which were withheld from others by law, to correct their inordinate passion for them, was, contrary to his will and expectation, obtruded at last on Cicero, whose business it had been through life to avoid them.

About this period the unexpected death of the amiable Julia, the wife of Pompey, in child-birth, together with the overthrow of Crassus in the Parthian campaign, destroyed the sole remaining links of alliance between the rival chieftains, whose mutual apprehensions and jealousies increased every day, and threatened to involve the whole Roman empire in the calamities of civil war. The senate was generally in Pompey's interest; and, trusting to the name and authority of so great a leader, were determined to humble the pride and ambition of Cæsar, by recalling him from his government; while Cæsar, on the other hand, trusting to the strength of his troops, resolved to keep possession of it in defiance of all their votes; and by drawing a part of his forces into the Italic or Cisalpine Gaul, so as to be ready at any warning to support his pretensions,

began to alarm all Italy; and this was the situation of affairs when Cicero set forward towards his government of Cilicia.

Accompanied by his brother Quintus, who attended him in the quality of lieutenant, Cicero set sail from Brundusium, earnestly soliciting all his friends to use their influence that the assigned period of his commission might not be prolonged. He had it in charge to bring Cappadocia into subjection to King Ariobarzanes, which he performed to the satisfaction of all parties, without having recourse to arms; and finding the Cilicians elated on the miscarriage of the Romans in Parthia, and the commotions in Syria, he brought them to order by the gentleness of his government. He refused the presents which the neighbouring princes offered him: he excused the province from finding him a public table, and daily entertained at his own charge persons of honour and learning; if not with magnificence, at least with elegance and propriety. He had no porter at his gate to exclude the applications of indigent suitors; but rose early in the morning, and kindly received all those who came to visit him. We are told that he never caused any man to be beaten with rods, never gave opprobrious language in his anger, or added insult to punishment. He recovered large sums of the public money which had been embezzled, and with it enriched and embellished the chief cities of his province: at the same time, he was satisfied if those who had been guilty of public fraud made restitution, without affixing on them a mark of infamy. For all these services and generosity, which amazed the poor people, he would accept no honours but what were merely verbal; prohibiting all expensive monuments, as statues, temples, brazen horses, &c., which, by the flattery of Asia, used to be erected of course to all governors, however corrupt and oppressive. While he was on his visitation of the Asiatic districts, there happened

to be a scarcity of provisions in the country; yet wherever he came, he not only provided for his family at his own expense, but prevailed with the merchants and dealers, who had any quantity of corn in their storehouses, to supply the people with it on easy terms.

His courage and skill as a general, at this period, excited no small astonishment. Having sufficiently guarded his province from the hostile incursions of the Parthians, he routed the bands of robbers who had possessed themselves of Mount Amanus, and was saluted by his army as emperor on the occasion. From this place he led his forces to another part of the highlands, the most disaffected to the Roman name, possessed by a stout and free people. Their chief town was called Pindenissus, situated on a steep and craggy hill, strongly fortified by nature and art: this place was the constant refuge of all deserters, and at that time was eagerly expecting the assistance of the Parthians. Cicero, resolving therefore to chastise their insolence, and bring them under the Roman yoke, laid siege to it in form, and compelled it to surrender at discretion. The inhabitants were sold for slaves, and a hundred thousand pounds were raised by that sale: all the other plunder, with the exception of the horses, was given to the soldiers. After this action, another neighbouring nation, of the same spirit and fierceness, called Tiburani, terrified by the fate of Pindenissus, voluntarily submitted, and gave hostages.

The lenity of Cicero's government, in the mean time, gave great offence to Appius, the former proconsul, who had treated his province with great cruelty, and who now sent several querulous letters to Cicero, because he had reversed some of his constitutions. Unwilling to offend a man of so much influence, Cicero returned a mild answer; considering himself only, he says, as a second physician called in to a case of sickness, where he found it

necessary to change the method of cure; and when the patient had been brought low by evacuations and blood-letting, to apply all kinds of lenitive and restoring medicines.

After the expiration of his annual administration, Cicero, on his return, paid a visit to Rhodes, accompanied by his son and nephew, whom he wished to exercise awhile in that celebrated school of eloquence, where he himself had formerly studied with much success under Molo. Proceeding thence to Athens, he renewed the intimacies with his former friends in that celebrated city; and after receiving all due honours and marks of esteem from Greece, passed on to Rome, where the senate decreed him a triumph, which he was compelled to relinquish when he found the fire of dissension kindled, and every thing tending to a civil war.

The eyes of Pompey were now open to a sense of his danger, and he endeavoured, when too late, to arrest the progress of that power which he had mainly contributed to raise. The smallest matters were a sufficient pretext for unsheathing the sword. Cæsar's petitions were received with coldness by the senate; and, by the influence of his rival, a decree was passed for the disbanding of his army. The promulgation of this law was opposed by the tribune Mark Antony, who now began to make a figure in the affairs of Rome, and, pretending to feel alarmed for his personal security, fled to Cæsar's camp with the news. The ambitious general gladly availed himself of this plea of resistance; he presently passed the Rubicon, which was the boundary of his province on that side of Italy, and marching forward in a hostile manner, possessed himself, without resistance, of the great towns in his way. This celerity struck the senate with such panic, that they resolved presently to quit the city, and retreat towards the southern parts of Italy. All the principal senators had particular districts

assigned to their care, to be provided with troops and all materials of defence against Cæsar. Cicero had Capua, with the inspection of the seacoast from Formiæ: he refused to accept any greater charge, for the sake of preserving his authority in the task of mediating a peace; and for the same reason, when he perceived his new province wholly unprovided against an enemy, and that it was impossible to hold Capua without a strong garrison, he resigned his employment, and chose not to act at all.

Cæsar was now master of Rome, and in sixty days all Italy acknowledged his power. Pompey found himself obliged to retire to Brundusium, whence he embarked for Greece. Previous to his departure, he endeavoured to persuade Cicero to accompany him; while his antagonist was extremely solicitous, not so much to gain him as a partisan, which was not to be expected, as to prevail with him to stand neuter. After long deliberation and indecision, he at length took advantage of Cæsar's absence in Spain; and, after taking an affectionate leave of his wife and daughter, repaired to Pompey, in company with his son, brother, and nephew. On his arrival in Greece, he clearly foresaw the dangers which threatened the party; for all the chiefs, trusting to the superior fame and authority of their general, and dazzled with the splendour of the troops which the princes of the East had sent to their assistance, assured themselves of victory; and, without reflecting on the different character of the two armies, would hear of nothing but fighting. It was Cicero's business, therefore, to discourage this wild spirit, and to represent the hazard of the war, the force of Cæsar, and the probability of his success in a general engagement: but all his remonstrances were slighted, and he himself reproached as timorous and cowardly by the other leaders; though nothing afterward happened to

them but what he had often foretold. This soon made him repent of embarking in a cause so imprudently conducted; and it added to his discontent to find himself even blamed by Cato for coming to them at all, and deserting that neutral post which might have given him a better opportunity of bringing about an accommodation.

After the fatal battle of Pharsalia, in which he was not present on account of his ill health, and the subsequent flight of Pompey, Cato, who had considerable forces, and a great fleet at Dyrrachium, was desirous that Cicero should assume the command, because his consular dignity gave him a legal title to it. Cicero, however, not only declined this offer, but absolutely refused to take any further share in the war: on which young Pompey and his friends, with the bitterest invectives, drew their swords, and would certainly have despatched him, had not Cato interposed, and conveyed him out of the camp.

On his return to Italy, he had the mortification of learning that his brother and nephew had endeavoured to make their peace with Cæsar, by throwing the blame of their opposition on himself. And here we see one of those elevated points of character which redeem all the little weaknesses of his political conduct; for, hearing that Cæsar had retorted on Quintus the charge which the latter had brought against himself, he wrote a pressing letter in his favour, declaring his brother's safety was not less precious to him than his own, and representing him, not as the leader, but as the companion of his voyage.

After a long series of perpetual mortifications, to which he was exposed by the petty malice of Mark Antony, who forbade him to leave Brundusium, a situation wholly disagreeable, and worse to him, he says, than any punishment; he was at last refreshed by a very obliging letter from Cæsar, who confirmed

to him the full enjoyment of his former state and dignity, and bade him resume his fasces and style of emperor as before. Cicero was now preparing to send his son to wait on the conqueror, who was supposed to be on his journey towards home, after the success of his Egyptian expedition; but the uncertain rumours of his approach diverted him awhile from that purpose, till Cæsar himself prevented it, and relieved him very agreeably from his tedious residence at Brundusium, by his sudden and unexpected arrival in Italy. On the first notice of his progress towards Rome, Cicero set out on foot to meet him. We may easily imagine that he was not a little discomposed at the thoughts of this interview, and the indignity of offering himself to a conqueror, against whom he had been in arms, in the midst of a licentious and insolent rabble; for though he had reason to expect a kind reception from Cæsar, yet he hardly thought his life, he says, worth begging; since what was given by a master might always be taken away again at pleasure. But at their meeting he had no occasion to say or do any thing that was below his dignity; for Cæsar no sooner saw him, than he alighted, and ran to embrace him; and walked with him alone, conversing very familiarly for several furlongs. From this interview, Cicero followed Cæsar towards Rome, with a resolution to spend his time in study and retreat till the republic should be restored to some tolerable state.

About the end of this year, A. U. C. 707, Cæsar embarked for Africa, to pursue the war against Scipio, and the other Pompeian generals, who, assisted by King Juba, held the possession of that province with a vast army. Cicero, despairing of any good from either side, chose to live retired; and not long after was compelled to part with his wife Terentia, the violence of whose temper had long proved a source of bitter vexation; in addition to which, her

expensive habits had contributed to involve him in serious pecuniary difficulties. He had easily borne her perverseness in the vigour of health, and the flourishing state of his fortunes; but in a declining life, soured by a continual succession of mortifications from abroad, the want of ease and quiet at home was no longer tolerable to him. This divorce, however, was not likely to cure the difficulties which her management had caused: for she had brought him a large fortune, which was to be restored to her at parting: this made a second marriage necessary, in order to repair the ill state of his affairs; and his friends of both sexes were busy in providing a suitable match for him. He at length fixed his choice on a handsome young woman, named Publilia, to whom he was guardian; he was now turned of threescore, and could expect but little domestic felicity from a union with a woman of an age so disproportioned to his own; but she was well allied and rich, circumstances very convenient to him at this time.

The successful termination of the African campaign enabled Cæsar once more to return to Italy. He omitted no opportunity which presented itself to cultivate the favourable opinion of Cicero, who now abstained from all interference with public business; and could only be prevailed on to quit his retirement to return thanks to Cæsar for his clemency, in recalling Marcellus and Ligarius from exile, at the intercession of the senate. About this time, too, he gave a remarkable proof of his courage and consistency, by writing a book in praise of Cato, which he published within a few months of his death. This work soon after produced an answer from Cæsar himself, under the title of Anti-Cato; in which, while he laboured to depreciate the motives and character of the subject of his treatise, he nevertheless bestowed high and deserved praise on the talents and friendship of his eulogists.

Cæsar was now called away in great haste into Spain, to oppose the attempts of Pompey's sons; who, by the credit of their father's name, were become masters again of all that province; and with the remains of the troops which Labienus, Varus, and the other chiefs who had escaped, had gathered up from Africa, were once more in a condition to try the fortune of the field with him. Shortly after his departure from Rome Cicero was plunged into the heaviest affliction by the loss of his beloved daughter Tullia in child-birth, who died at the house of Dolabella, her third husband, in the thirty-second year of her age. By the few hints which are left of her character, she appears to have been an excellent woman: she was most affectionately observant of her father; and to the usual graces of her sex having added the more solid accomplishments of knowledge and polite letters, was qualified to be the companion as well as the delight of his age; and was justly esteemed, not only as one of the best, but the most learned of the Roman ladies. It is not strange, therefore, that the loss of such a daughter, in the prime of her life, and the most comfortless season of his own, should affect him with all that grief which the greatest calamity could imprint on a temper naturally timid and desponding.

Plutarch tells us, that the philosophers came from all parts to comfort him; but that can hardly be true, except of those who lived in Rome, or in his own family; for his first care was to shun all company as much as he could, by removing to Atticus's house; where he lived chiefly in the library, endeavouring to relieve his mind by turning over every book which he could meet with on the subject of moderating grief; but finding his residence here too public, and a greater resort to him than he could bear, he retired to Astura, one of his seats near Antium, a little island on the Latian shore, at the mouth of a river of the same name, covered with woods

and groves, cut out into shady walks; a scene of all others the fittest to indulge melancholy, and where he could give a free course to his grief. "Here," says he, "I live without the speech of man; every morning early I hide myself in the thickest of the wood, and never come out till the evening; next to yourself, nothing is so dear to me as this solitude; my whole conversation is with my books; yet that is sometimes interrupted by my tears, which I resist as well as I can, but am not yet able to do much."

Atticus urged him to quit this retirement, and divert himself with business and the company of his friends; and put him gently in mind that by afflicting himself so immoderately, he would hurt his character, and give people a handle to censure his weakness. All his other friends were very officious, likewise, in sending letters of condolence, and administering arguments of comfort to him; among the rest, Cæsar himself, in the hurry of his affairs in Spain, wrote him a letter on the occasion, dated from Hispalis, the last of April. Brutus wrote another, so friendly and affectionate, that it greatly moved him: Lucceius, also, one of the most esteemed writers of that age, sent him two; the first to condole, the second to expostulate with him for persevering to cherish an unmanly and useless grief; but the following letter of Ser. Sulpicius is thought to be a masterpiece of the consolatory kind.

SER. SULPICIUS TO M. T. CICERO.

"I was exceedingly concerned, as indeed I ought to be, to hear of the death of your daughter Tullia; which I looked on as an affliction common to us both. If I had been with you, I would have made it my business to convince you what a real share I take in your grief. Though that kind of consolation is but wretched and lamentable, as it is to be per-

formed by friends and relations who are overwhelmed with grief, and cannot enter on their task without tears, and seem to want comfort rather themselves than to be in condition to administer it to others. I resolved therefore to write to you, in short, what occurred on it to my own mind: not that I imagined that the same things would not occur also to you, but that the force of your grief might possibly hinder your attention to them. What reason is there, then, to disturb yourself so immoderately on this melancholy occasion? Consider how fortune has already treated us; how it has deprived us of what ought to be as dear to us as children, —our country, credit, dignity, honours. After so miserable a loss as this, what addition can it possibly make to our grief to suffer one misfortune more? or how can a mind, after being exercised in such trials, not grow callous, and think every thing else of inferior value? But is it for your daughter's sake that you grieve? yet how often must you necessarily reflect, as I myself frequently do, that those cannot be said to be hardly dealt with whose lot it has been, in these times, without suffering any affliction, to exchange life for death. For what is there, in our present circumstances, that could give her any great invitation to live? what business, what hopes? what prospect of comfort before her? was it to pass her days in the married state with some young man of the first quality (for you, I know, on the account of your dignity, might have chosen what son-in-law you pleased out of all our youth, to whose fidelity you might safely have trusted her)? was it then for the sake of bearing children, whom she might have had the pleasure to see flourishing afterward, in the enjoyment of their paternal fortunes, and rising gradually to all the honours of the state, and using the liberty to which they were born in the protection of their friends and clients? but what is there of all this which was not

taken away before it was even given to her? But it is an evil, you will say, to lose our children: it is so; yet it is much greater to suffer what we now endure. I cannot help mentioning one thing which has given me no small comfort, and may help also, perhaps, to mitigate your grief. On my return from Asia, as I was sailing from Ægina towards Megara, I began to contemplate the prospect of the countries around me: Ægina was behind, Megara before me; Piræus on the right, Corinth on the left; all which towns, once famous and flourishing, now lie overturned and buried in their ruins: on this sight I could not but think presently within myself, alas! how do we poor mortals fret and vex ourselves, if any of our friends happen to die, or to be killed, whose life is yet so short, when the carcasses of so many noble cities lie here exposed before me in one view! Why wilt thou not then command thyself, Servius, and remember that thou art born a man! Believe me, I was not a little confirmed by this contemplation: try the force of it, therefore, if you please, on yourself; and imagine the same prospect before your own eyes. But to come nearer home: when you consider how many of our greatest men have perished lately at once; what destruction has been made in the empire; what havoc in all the provinces; how can you be so much shocked to be deprived of the fleeting breath of one little woman? who, if she had not died at this time, must necessarily have died a few years after, since that was the condition of her being born. But recall your mind from reflections of this kind to the consideration of yourself; and think rather on what becomes your character and dignity: that your daughter lived as long as life was worth enjoying, as long as the republic stood; had seen her father pretor, consul, augur; been married to the noblest of our youth; had tasted every good in life: and when the republic fell, then quitted it: what ground is there, then, either for you or her to

complain of fortune on this account! In short, do not forget that you are Cicero, one who has been used always to prescribe and give advice to others; nor imitate those paltry physicians who pretend to cure other people's diseases, yet are not able to cure their own; but suggest rather to yourself the same lesson which you would give in the same case. There is no grief so great which length of time will not alleviate: but it would be shameful in you to wait for that time, and not to prevent it by your wisdom: besides, if there be any sense in the dead, such was her love and piety to you, that she must be concerned to see how much you afflict yourself. Give this therefore to the deceased; give it to your friends; give it to your country; that it may have the benefit of your assistance and advice whenever there shall be occasion. Lastly, since fortune has now made it necessary to us to accommodate ourselves to our present situation, do not give any one a handle to think that your are not so much bewailing your daughter as the state of the times and the victory of certain persons. I am ashamed to write any more, lest I should seem to distrust your prudence; and will add, therefore, but one thing further, and conclude. We have sometimes seen you bear prosperity nobly, with great honour and applause to yourself; let us now see that you can bear adversity with the same moderation, and without thinking it a greater burden than you ought to do; lest, in the number of all your other virtues, this one, at last, be thought to be wanting. As to myself, when I understand that your mind is grown more calm and composed, I will send you word how all things go on here, and what is the state of the province. Adieu."

His answer to Sulpicius was the same in effect with what he gave to all his friends; that his case was different from all the examples which he had been collecting for his own imitation of men who

had borne the loss of children with firmness; since they lived in times when their dignity in the state was able in great measure to compensate their misfortune: "But for me," says he, "after I had lost all those ornaments which you enumerate, and which I had acquired with the utmost pains, I have now lost the only comfort that was left to me. In this ruin of the republic my thoughts were not diverted by serving either my friends or my country; I had no inclination to the forum; could not bear the sight of the senate; took myself, as the case in truth was, to have lost all the fruit of my industry and fortunes: yet, when I reflected that all this was common to you, and to many others, as well as to myself, and was forcing myself therefore to bear it tolerably, I had still, in Tullia, somewhat always to recur to, in which I could acquiesce, and in whose sweet conversation I could drop all my cares and troubles; but by this last cruel wound, all the rest, which seemed to be healed, are broken out again afresh; for as I then could relieve the uneasiness which the republic gave me by what I found at home, so I cannot now, in the affliction which I feel at home, find any remedy abroad, but am driven as well from my house as the forum; since neither my house can ease my public grief, nor the public my domestic one."

The remonstrances of his friends had but little effect on him; all the relief that he found was from reading and writing, in which he continually employed himself; and did what no man had ever done before him, draw up a treatise of consolation for himself; from which he professes to have received his greatest comfort; though he wrote it, he owns, at a time when, in the opinion of the philosophers, he was not so wise as he ought to have been: "But I did violence," says he, "to my nature, to make the greatness of my sorrow give place to the greatness of the medicine: though I acted against the advice

of Chrysippus, who dissuades the application of any remedy to the first assaults of grief."

He was now grown so fond of solitude, that all company was become uneasy to him; and when his friend Philippus, the father-in-law of Octavius, happened to come to his villa in that neighbourhood, he was not a little disturbed at it, from the apprehension of being teased with his visits; and he tells Atticus, with some pleasure, that he had called on him only to pay a short compliment, and went back again to Rome without giving him any trouble. His wife Publilia, who by this time had separated from her husband, also wrote him word that her mother and brother intended to wait on him, and that she would come along with them, if he would give her leave, which she begged in the most earnest and submissive terms: but his answer was, that he was more indisposed than ever to receive company, and would not have them come; and lest they should come without leave, he desires Atticus to watch their motions, and give him notice, that he might contrive to avoid them. A denial so peremptory confirms what Plutarch says, that his wife was now in disgrace with him, on account of her carriage towards his daughter, and for seeming to rejoice at her death; a crime which, in the tenderness of his affliction, appeared to him so heinous that he could not bear the thoughts of seeing her any more; and though it was inconvenient to him to part with her fortune at this time, yet he resolved to send her a divorce, as a proper sacrifice to the honour of Tullia.

Cæsar continued all this while in Spain, pursuing the sons of Pompey, and providing for the future peace and settlement of the province; whence he paid Cicero the compliment of sending him an account of his success with his own hand. Hirtius, his lieutenant, also gave him early intelligence of

the defeat and flight of the two brothers, which was not disagreeable to him; for though he was not much concerned about the event of the war, and expected no good from it on either side, yet the opinion which he had conceived of the fierceness and violence of the young Pompeys, especially of the elder of them, Cnæus, engaged his wishes rather for Cæsar. In a letter to Atticus, "Hirtius," says he, "wrote me word, that Sextus Pompey had withdrawn himself from Cordubain to the Hither Spain; and that Cnæus too was fled, I know not whither, nor in truth do I care;" and this indeed seems to have been the common sentiment of all the republicans.

The first care of Cæsar after his arrival from Spain was to entertain the city with the most splendid triumph which Rome had ever seen; but the people, instead of admiring and applauding it, as he expected, were sullen and silent; considering it, as it really was, a triumph over themselves, purchased by the loss of their liberty, and the destruction of the best and noblest families of the republic.

Cicero now resided generally in the country, and withdrew himself wholly from the senate. He was at length persuaded to quit his retirement, and undertake the defence of his old friend, King Deiotarus, who had already been deprived by Cæsar of part of his dominions for his adherence to Pompey's cause, and was now in danger of losing the rest, from an accusation preferred against him by his grandson, of a design pretended to have been formed by him against Cæsar's life when he was entertained at his house, four years before, on his return from Egypt. The charge was groundless and ridiculous; but, under his present disgrace, any suspicion was sufficient to ruin him; and Cæsar's countenancing it so far as to receive and hear it showed a strong prejudice against the king, and that he wanted only a pretence for stripping him of all that remained to

him. Brutus likewise interested himself very warmly in the same cause; and when he went to meet Cæsar on his road from Spain, made an oration to him at Nicæa, in favour of Deiotarus, with a freedom which startled him, and gave him occasion to reflect on what he had not perceived so clearly before, the invincible fierceness and vehemence of Brutus's temper. The present trial was held in Cæsar's house, where Cicero so manifestly exposed the malice of the accuser, and the innocence of the accused, that Cæsar, being determined not to acquit, yet ashamed to condemn him, chose the expedient of reserving his sentence to further deliberation, till he should go in person into the East, and inform himself of the whole affair on the spot.

Some little time after this trial, Cæsar, in order to show his favourable intentions towards Cicero, invited himself to an entertainment with him at his house in the country, and chose the third day of the Saturnalia for his visit; a season always dedicated to mirth and feasting among friends and relations. Here he passed the day agreeably, and expressed himself well pleased with his reception. This great man was now in the height of all his glory; and dressed, as Florus says, in all his trappings, like a victim destined to sacrifice. He had received from the senate the most extravagant honours, both human and divine, which flattery could invent; a temple, altar, priest; his image carried in procession with the gods; his statue among the kings; one of the months called after his name; and a perpetual dictatorship. Cicero endeavoured to restrain the excess of this complaisance within the bounds of reason, but in vain: since Cæsar appeared more forward to receive than they to give: and when he was actually possessed of every thing which carried with it any real power, was not content without the title of a king, which could add nothing but envy and popular odium. He had now prepared all things for

his expedition against the Parthians; had sent his legions before him into Macedonia, and settled the succession of all magistrates for two years to come: but before his departure he resolved to have the regal title conferred on him by the senate, who at that time were too sensible of his power, and obsequious to his will, to deny him any thing. This imprudent step precipitated his downfall; and he was stabbed in the senate-house by Brutus, Cassius, and a powerful band of conspirators, on the ides of March.

Cicero was present at the death of Cæsar in the senate, where he had the pleasure, he tells us, to see the tyrant perish as he deserved. Although the conspirators had not apprized him of their design, they nevertheless reckoned on him as their sure friend: for they had no sooner finished their work than Brutus, lifting up his bloody dagger, called on him by name to congratulate him on the recovery of their liberty; and when they all ran out into the forum, presently after, proclaiming to the city their emancipation from an odious tyranny, they proclaimed, at the same time, the name of Cicero; in hopes to recommend the justice of their act by the credit of his approbation.

The death of Cæsar had struck so much terror into Antony, who was at that time consul, that he at first retired to his own house, which he strongly fortified against assailants. Imboldened at length by repeated assurances of safety, he ventured to assemble the senate, to whom he made a short speech on the necessity of union. Here Cicero, as the best foundation of permanent tranquillity, moved the assembly to decree a general amnesty, or act of oblivion for all that was past; to which they unanimously agreed. Antony appeared to be all condescension; and, in proof of his sincerity, proposed that the conspirators should be invited to take part in their deliberations, and sent his son as a hostage

for their safety: on which they all descended from the capitol, whither they had retired: and the day ended with the universal joy of the city, who imagined that their liberty was now crowned with certain peace. This seeming candour of Antony had so great an effect on the unsuspicious mind of Brutus, that he disregarded the warning of Cassius; and, in an unguarded moment, consented to grant a public funeral to Cæsar, which was urged by Antony, as the best means of inflaming the soldiers and populace, and raising some commotions to the disadvantage of the republican cause: in which he succeeded so well, that the conspirators had no small difficulty to defend their lives and houses from the violence of the rabble, and shortly after were compelled to quit the city.

Cicero now determined to absent himself from Italy during the consulship of Antony and his creature Dolabella, whose tyrannical measures overcame all opposition of the senate; and to see Rome no more, till their successors, Hirtius and Pansa, entered into office: in whose administration he began to place all his hopes. Having arrived at Leucopetra, he was about to set sail for Greece, when he received intelligence that a wonderful change had been wrought in the minds of Antony and his colleague, who held the reins of government in subjection to the decrees of the senate; and that nothing but his presence was wanting to restore public tranquillity. This agreeable account made him presently drop all thoughts of pursuing his voyage; and he returned to the city, where such multitudes assembled to meet him that the whole day was consumed in receiving the compliments and congratulations of his friends. The senate met the next morning, to which he was particularly summoned by Antony to decree some new honours to the memory of Cæsar; but he excused himself by a civil message, as being too much indisposed by the

fatigue of his journey. Antony took this as an affront; and, in great rage, threatened openly in the senate to order his house to be pulled down if he did not come immediately; till, by the interposition of the assembly, he was dissuaded from using any violence. The senate met again the next day, when Antony thought fit to absent himself, and leave the stage clear to Cicero; who accordingly appeared, and delivered the first of those speeches which, in imitation of Demosthenes, were called afterward his Philippics. It contains a strong condemnation of the measures which Antony was pursuing, expressed however in temperate language, and unmixed with personalities: yet it gave Antony the greatest offence. He summoned the senate to meet again, and replied to Cicero's attacks by a violent invective; in which, among other things, he charged him with being an accomplice of Cæsar's murder; intending, as Cicero asserted, to excite the resentment of the veterans against him, and hoping that they would destroy him if he ventured to appear in the senate-house: but the orator was warned of his danger, and retired to a house in the country, where he composed the famous oration entitled the second Philippic, which was in reality never delivered at all.

In this interval a new actor appeared on the stage; who, though hitherto but little considered, soon made the first figure on it, and drew all people's eyes towards him: this was the young Octavius, who was left, by his uncle Cæsar, the heir of his name and estate. He had been sent, a few months before, to Apollonia, a celebrated school of learning in Macedonia, there to wait for his uncle, on his way to the Parthian war, in which he was to attend him; but the intelligence of Cæsar's death soon brought him back to Italy, to try what fortunes he could carve for himself by the credit of his name, and the help of his uncle's friends. With this design, Hirtius and

Pansa introduced him to Cicero, with the strongest professions, on the part of the young man, that he would be governed entirely by his direction.

The sole pretension which he avowed at present was to assert his right to the succession of his uncle's estate, and to claim the possession of it: but this was considered an attempt too hardy and dangerous for a mere boy, scarce yet eighteen years old: for the republican party had great reason to be jealous of him, lest, with the inheritance of the estate, he should grasp at the power, of his uncle; and Antony, who had destined that succession to himself, and had already seized the effects, was apprehensive lest, by the advantage of all that wealth, Octavius might be in a condition to make head against him. The mother, therefore, and her husband Philip, out of concern for his safety, pressed him to suspend his claim awhile: but he was of too daring a spirit to listen to the suggestions of caution, declaring it base and infamous to think himself unworthy of a name with which he had been dignified by Cæsar himself: and there were many about him constantly pushing him on to throw himself on the affections of the city and army before his enemies had made themselves too strong for him; so that he was eager to enter into action, and determined to risk all his hopes on the credit of his name, and the friends and troops of his uncle.

In order to secure himself against this formidable antagonist, Antony seized the public treasure, which Cæsar had deposited for the occasions of his government in the temple of Opis, amounting to about five millions and a half of our money; in addition to another million, which Calpurnia, Cæsar's wife, had delivered into his hands. Having secured the co-operation of his colleague Dolabella by a share of the plunder, he endeavoured to maintain his influence with the veteran legions by profuse largesses: but the popularity of Cæsar's cause, and the magic of his

name, were irresistible. Thousands of deserters flocked to his standard: the municipal towns, no less than the establishments of the veterans, testified the strongest attachment to his cause; and he wrote to Cicero, requesting a personal interview with him; asking his advice as to his subsequent movements, and wishing him to come forward as his avowed associate, and to exert his influence in the senate in his behalf.

Cicero could not but entertain a natural distrust of so dangerous an assistant; and expressed, in a letter to Atticus, his unavailing wishes that Brutus were at hand, instead of Octavius, to turn the impending crisis to the advantage of the commonwealth. But Brutus and Cassius were already in Macedonia and Syria, and to wait for their return was impossible. In an evil hour, therefore, for himself, did Cicero listen to the advances of Octavius, and endeavour to strengthen his party by the favour of the popular assembly.

At the close of the year, previous to the accession of the new consuls, Antony repaired to Brundusium, where he found three legions, which acknowledged his authority without dispute. These forces, together with the legion of the Alaudæ, and a considerable number of the veterans from Cæsar's colonies, who preferred his service to that of Octavius, formed all together an imposing army; with which he made an irruption into Cisalpine Gaul, the government of which had been conferred by the senate on Decimus Brutus, one of the conspirators against Cæsar, who had already held the command of that province for some months, and was resolved not lightly to abandon his post. He accordingly threw himself into the town of Modena, to which Antony laid vigorous siege, in hopes of compelling it to surrender at discretion before the arrival of succour from Rome.

On the receipt of this intelligence, Cicero lost no time in recommending to the senate the adoption

of a decree proclaiming Antony a public enemy; returning thanks to D. Brutus for the vigour of his conduct; and authorizing the two consuls, with Octavius, to proceed without delay to encounter the force of the enemy, and to raise the siege of Modena. He saw the war actually commenced in the very heart of the empire, on the success of which depended the fate of Rome: that Gaul would certainly be lost; and with it, probably, the republic, if D. Brutus was not supported against the superior force of Antony: that there was no way of doing it so ready and effectual as by employing Octavius and his troops: and though the intrusting him with that commission would throw a dangerous influence into his hands, yet it would be controlled by the equal power and superior authority of the two consuls, who were to be joined with him in the same command.

It was not to be expected, composed as the senate was, in a considerable proportion, of the partisans of Cæsar, that Antony should be left altogether without advocates. These were successful in retarding the operations of the approaching war, by proposing an embassy, demanding an unreserved acknowledgment of the authority of the senate, and an immediate abandonment of the siege of Modena; hoping that, in the mean time, the fall of that important fortress would strike terror into the republican party, and put a speedy stop to the campaign. The vigour of Cicero's counsels at length prevailed; and the two consuls, accompanied by young Cæsar, in the quality of propretor, proceeded to the relief of Modena. In the first engagement the consul Pansa was mortally wounded, and his army thrown into confusion, when the arrival of Hirtius turned the fortune of the day, and compelled Antony to retire to his camp, mortified by his unexpected defeat, and resolved to hazard nothing further, but to act only on the defensive, except by harassing the enemy with his horse,

in which he was far superior. He still hoped to make himself master of Modena, which was reduced to extremity; and, by the strength of his works, to prevent the throwing any relief into it. Hirtius and Octavius, on the other hand, elate with victory, were determined at all hazards to relieve it; and after two or three days spent in finding the most likely place of breaking through the intrenchments, they made their attack with such vigour, that Antony, rather than suffer the town to be snatched at last out of his hands, chose to draw out his legions, and risk a general engagement. The fight was bloody and obstinate; and Antony's men, though obliged to give ground, bravely disputed every inch of it; till D. Brutus, taking the opportunity at the same time to sally out of the town at the head of his garrison, contributed greatly to the completion of the victory. Hirtius pushed his advantage with great spirit, and forced his way into Antony's camp; but when he had gained the middle of it, was unfortunately killed near the general's tent: Pontius Aquila, one of the conspirators, was killed likewise in the same place: but Octavius, who followed to support them, made good their attempt, and kept possession of the camp, with the entire defeat and destruction of the enemy's best troops; while Antony himself, with all his horse, fled with great precipitation towards the Alps. The Consul Pansa died the day following, of his wounds, at Bologna.

The news of this great victory soon reached Rome, where it caused an incredible joy. The whole body of the people assembled presently about Cicero's house, and carried him in a kind of triumph to the capitol; whence, on their return, they placed him in the rostra, to give them an account of their success. The war was now considered at an end, and the liberty of Rome established; which would probably have been the case, if Antony had either per-

ished in the action or the consuls survived it; but the death of the latter, though not felt so sensibly at first, in the midst of their exultation, gave the fatal blow to all Cicero's schemes, and was the immediate cause of the ruin of the republic.

The conquerors, at Modena, were much censured, in the mean time, for giving Antony leisure to escape; but Octavius, from the beginning, had no thoughts of pursuing him: he had already gained the object at which he aimed; had reduced Antony's power so low, and raised his own so high, as to be in a condition to make his own terms with him in the partition of the empire, of which he seems to have formed the plan from this moment.

D. Brutus was at length enabled to pursue Antony, or rather observe the motions of his flight; and it was hoped that Lepidus, who commanded a powerful army of the republic on the other side of the Alps, would complete his ruin. But Lepidus was a weak, inconstant man; and was easily induced, by the suggestions of his artful rival, to betray the cause of public liberty, and to make common cause with the discomfited Antony. This union compelled D. Brutus to join his army with Plancus, proconsul of that part of Gaul, who acted with him for some time with great concord, and the affection of the whole province on their side; which being signified in their common letters to Rome, gave hopes and courage to all honest men, and imboldened the senate to declare Lepidus a public enemy, and to demolish a gilt statue which had lately been erected to him.

Lepidus and Antony were no sooner joined than a correspondence was set on foot between them and Octavius; who, from the death of the consuls, showed but little regard to the authority of Cicero or the senate, and wanted only a pretence for breaking with them. He waited, however, a while, to see what became of Antony, till finding him received

and supported by Lepidus, he began to think it his best scheme to enter into the league with them, and to concur in what seemed to be more peculiarly his own part—the design of revenging the death of his uncle. Instead, therefore, of prosecuting the war any further, he was persuaded by his friends to make a demand of the consulship, though he was not yet above twenty years old. This step shocked and terrified the city; not that the consulship could give him any power which his army had not already given, but as it indicated a dangerous and unseasonable ambition, grounded on a contempt of the laws and the senate; and, above all, raised a just apprehension of some attempt against the public liberty: since, instead of leading his army where it was wanted and desired, against their enemies abroad, he chose to march with it towards Rome, as if he intended to subdue the republic itself.

There was a report spread, in the mean while, through the empire, that Cicero was chosen consul: Brutus, mentioning it in a letter to him says, "If I should ever see that day, I should begin to figure to myself the true form of a republic, subsisting by its own strength." It is certain that he might have been declared consul by the unanimous suffrage of the people, if he had desired it: but, in times of such violence, the title of supreme magistrate, without a real power to support it, would have exposed him only to more immediate danger and insults from the soldiers, whose fastidious insolence in their demands was grown, as he complains, insupportable. Some old writers say, what the moderns take implicitly from them, that he was duped, and drawn in by Octavius, to favour his pretensions to the consulship, by the hopes of being made his colleague, and governing him in the office. But the contrary is evident from several of his letters; and that of all men, he was the most averse to Octavius's design,

and the most active in dissuading him from pursuing it.

It is very remarkable, that, in all this height of young Cæsar's power, there was not a magistrate, nor so much as a single senator, who would move for the decree of his consulship: the demand of it, therefore, was made by a deputation of his officers; and when the senate received it more coldly than they expected, Cornelius, a centurion, throwing back his robe, and showing them his sword, boldly declared that if they would not make him consul, that should. But Octavius himself soon put an end to their scruples, by marching with his legions in a hostile manner to the city; where he was chosen consul, with Q. Pedius, his kinsman, and co-heir in part of his uncle's estate.

The first act of his magistracy was to secure all the public money which he found in Rome, and make a dividend of it to his soldiers. He complained loudly of the senate, that, instead of paying his army the rewards which they had decreed to them, they were contriving to harass them with perpetual toils, and to engage them in fresh wars against Lepidus and Antony; and, likewise, that in the commission granted to ten senators, to provide lands for the legions after the war, they had not named him. But there was no just ground for any such complaints: for those rewards were not decreed, nor intended to be distributed, till the war was quite ended; and the leaving Cæsar out of the commission was not from any particular slight, but a general exception of all, who had the command of armies, as improper to be employed in such a charge; though Cicero, indeed, was of a different opinion, and pressed for their being taken in. D. Brutus and Plancus were excluded as well as Cæsar; and both of them seem, likewise, to have been disgusted at it: so that Cicero, who was one of the number, in order to retrieve the imprudence of a step which

gave such offence, would not suffer his colleagues to do any thing of moment, but reserved the whole affair to the arrival of Cæsar and the rest.

But Cæsar, being now wholly bent on changing sides and measures, was glad to catch on every occasion of quarrelling with the senate: he charged them with calling him a boy, and treating him as such; and found a pretext also against Cicero himself, whom, after all the services received from him, his present views obliged him to abandon; for some busy informers had told him that Cicero had spoken of him in certain ambiguous terms, which carried a double meaning, either of advancing, or taking him off; which Octavius was desirous to have reported everywhere, and believed in the worst sense.

While the city was in the utmost consternation, on Cæsar's approach, with his army, two veteran legions from Africa happened to arrive in the Tiber, and were received as a succour sent to them from Heaven: but this joy lasted not long; for presently after their landing, being corrupted by the other soldiers, they deserted the senate, who sent for them, and joined themselves to Cæsar. Pollio, likewise, about the same time, with two of his best legions from Spain, came to the assistance of Antony and Lepidus; so that all the veterans of the western part of the empire were now plainly forming themselves into one body, to revenge the death of their old general. The consent of all these armies, and the unexpected turn of Antony's affairs, staggered the fidelity of Plancus, and induced him, also, at last, to desert his colleague, D. Brutus, with whom he had hitherto acted with much seeming concord: Pollio made his peace, and good terms for him, with Antony and Lepidus, and soon after brought him over to their camp, with all his troops.

D. Brutus, being thus abandoned, and left to shift for himself, with a needy, mutinous army, eager to desert, and ready to give him up to his enemies, had

no other way to save himself than by flying to his namesake in Macedonia: but the distance was so great, and the country so guarded, that he was often forced to change his road, for fear of being taken; till, having dismissed all his attendants, and wandered for some time alone, in disguise and distress, he committed himself to the protection of an old acquaintance and host, whom he had formerly obliged; where, either through treachery or accident, he was surprised by Antony's soldiers, who immediately killed him, and returned with his head to their general.

But what gave the greatest shock to the whole republican party was a law contrived by Cæsar, and published by his colleague Pedius, to bring to trial all those who had been concerned either in advising or effecting Cæsar's death: in consequence of which, all the conspirators were presently impeached, in form, by different accusers; and, as none of them ventured to appear to their citations, they were all condemned, of course; and, by a second law, interdicted from fire and water: Pompey, also, though he had borne no part in that act, was added to the number, as an irreconcilable enemy to the Cæsarian cause: after which Cæsar, to make amends for the unpopularity of his law, distributed to the citizens the legacies which his uncle had left them by will.

Cicero foresaw that things might possibly take this turn, and Plancus himself prove treacherous; and for that reason was constantly pressing Brutus and Cassius to hasten to Italy, as the most effectual means to prevent it; every step that Cæsar took confirmed his apprehensions, and made him more importunate with them to come, especially after the union of Antony and Lepidus.

But neither Brutus nor Cassius seem to have entertained the least thought of coming with their armies to Italy. Cassius, indeed, by being more remote, could not come so readily, and was not so much

expected as Brutus; who, before the battle of Modena, had drawn down all his legions to the sea-coast, and kept them at Apollonia and Dyrrachium, waiting the event of that action, and ready to embark for Italy if any accident had made his assistance necessary; for which Cicero highly commends him. But, on the news of Antony's defeat, thinking all the danger to be over, he marched away directly to the remotest parts of Greece and Macedonia, to oppose the attempts of Dolabella; and from that time seemed deaf to the call of the senate, and to all Cicero's letters, which urged him so strongly to come to their relief.

While Cicero was taking all this pains, and struggling thus gloriously in the support of their expiring liberty, Brutus, who was naturally peevish and querulous, being particularly chagrined by the unhappy turn of affairs in Italy, and judging of counsels by events, was disposed at last to throw all the blame on him; charging him chiefly, that, by a profusion of honours on young Cæsar, he had inspired him with an ambition incompatible with the safety of the republic, and armed him with that power which he was now employing to oppress it: whereas the truth is, that by these honours, Cicero did not intend to give Cæsar any new power, but to apply that which he had acquired, by his own vigour, to the public service and the ruin of Antony; in which he succeeded even beyond expectation; and would certainly have gained his end, had he not been prevented by accidents which could not be foreseen. For it is evident, from the facts above mentioned, that he was always jealous of Cæsar; and, instead of increasing, was contriving some check to his authority, till, by the death of the consuls, he slipped out of his hands, and became too strong to be managed by him any longer.

Cicero, however, notwithstanding the peevishness of Brutus, omitted no opportunity of serving

and supporting him to the very last. As soon as he perceived Cæsar's intention of revenging his uncle's death, he took all imaginable pains to dissuade him from it; and never ceased from exhorting him, by letters, to a reconciliation with Brutus, and the observance of that amnesty which the senate had decreed as the foundation of the public peace. This was certainly the best service which he could do, either to Brutus or the republic; and Atticus, imagining that Brutus would be pleased with it, sent him a copy of what Cicero had written on that subject; but instead of pleasing, it provoked Brutus only the more; he treated it as base and dishonourable to ask any thing of a boy, or to imagine the safety of Brutus to depend on any one but himself; and signified his mind on it both to Cicero and Atticus, in such a style as confirms what Cicero had long before observed, and more than once declared of him, that his letters were generally churlish and arrogant; and that he regarded neither what nor to whom he was writing. But their own letters to each other will be the best vouchers of what has been remarked, and enable us to form the surest judgment of the different spirit and conduct of the men. After Brutus, therefore, had frequently intimated his dislike of Cicero's management, Cicero took occasion in the following letter to lay open the whole progress of it, from the time of Cæsar's death, in order to show the necessity of each step:—

CICERO TO BRUTUS.

You have Messala now with you. It is not possible therefore for me to explain, by letter, though ever so accurately drawn, the present state of our affairs so exactly as he, who not only knows them all more perfectly, but can describe them more elegantly than any man; for I would not have you imagine, Brutus (though there is no occasion to tell

you what you know already yourself, but that I cannot pass over in silence such an excellence of all good qualities),—I would not have you imagine, I say, that, for probity, constancy, and zeal for the republic, there is any one equal to him; so that eloquence, in which he wonderfully excels, scarce finds a place among his other praises; since even in that his wisdom shines the most eminent, by his having formed himself with so much judgment and skill to the truest manner of speaking. Yet his industry all the while is so remarkable, and he spends so much of his time in study, that he seems to owe but little to his parts, which still are the greatest. But I am carried too far by my love for him: for it is not the purpose of this epistle to praise Messala, especially to Brutus, to whom his virtue is not less known than to myself, and these very studies, which I am praising still more: whom when I could not part with without regret, I comforted myself by reflecting, that by his going away to you, as it were to my second self, he both discharged his duty and pursued the truest path to glory. But so much for that. I come now, after a long interval, to consider a certain letter of yours; in which, while you allow me to have done well in many things, you find fault with me for one; that, in conferring honours I was too free, and even prodigal. You charge me with this; others, probably, with being too severe in punishing, or you yourself, perhaps, with both; if so, I desire that my judgment and sentiments on each may be clearly explained to you; not that I mean to justify myself by the authority of Solon, the wisest of the seven, and the only legislator of them all, who used to say that the public weal was comprised in two things—rewards and punishments: in which, however, as in every thing else, a certain medium and temperament is to be observed. But it is not my design, at this time, to discuss so great a subject; I think it proper only to open the reasons

of my votes and opinions in the senate from the beginning of this war. After the death of Cæsar, and those your memorable ides of March, you cannot forget, Brutus, what I declared to have been omitted by you, and what a tempest I foresaw hanging over the republic: you had freed us from a great plague; wiped off a great stain from the Roman people; acquired to yourselves divine glory: yet all the equipage and furniture of kingly power was left still to Lepidus and Antony; the one inconstant, the other vicious; both of them afraid of peace, and enemies to the public quiet. While these men were eager to raise fresh disturbances in the republic, we had no guard about us to oppose them, though the whole city was eager and unanimous in asserting its liberty: I was then thought too violent; while you, perhaps more wisely, withdrew yourselves from that city which you had delivered, and refused the help of all Italy, which offered to arm itself in your cause. Wherefore, when I saw the city in the hands of traitors, oppressed by the arms of Antony, and that neither you nor Cassius could be safe in it, I thought it time for me to quit it too: for a city overpowered by traitors, without the means of relieving itself, is a wretched spectacle; yet my mind, always the same, and ever fixed on the love of my country, could not bear the thought of leaving it in distress: in the midst, therefore, of my voyage to Greece, and in the very season of the Etesian winds, when an uncommon south wind, as if displeased with my resolution, had driven me back to Italy, I found you at Velia and was greatly concerned at it: for you were retreating, Brutus; were retreating, I say, since your stoics will not allow their wise man to fly. As soon as I came to Rome, I exposed myself to the wickedness and rage of Antony; and, when I had exasperated him against me, began to enter into measures, in the very manner of the Brutuses (for such

are peculiar to your blood), for delivering the republic. I shall omit the long recital of what followed, since it all relates to myself; and observe only, that young Cæsar, by whom, if we will confess the truth, we subsist at this day, flowed from the source of my counsels. I decreed him no honours, Brutus, but what were due; none but what were necessary: for as soon as we began to recover any liberty, and before the virtue of D. Brutus had yet shown itself so far that we could know its divine force, and while our whole defence was in the boy who repelled Antony from our necks, what honour was not really due to him? though I gave him nothing yet but the praise of words, and that but moderate. I decreed him, indeed, a legal command; which, though it seemed honourable to one of that age, was yet necessary to one who had an army; for what is an army without the command of it? Philip voted him a statue; Servius the privilege of suing for offices before the legal time, which was shortened still by Servilius: nothing was then thought too much: but we are apt, I know not how, to be more liberal in fear than grateful in success. When D. Brutus was delivered from the siege, a day of all others the most joyous to the city, which happened also to be his birth-day, I decreed that his name should be ascribed for ever to that day in the public calendars: in which I followed the example of our ancestors, who paid the same honour to a woman, Larentia; at whose altar your priests perform sacred rites in the Velabrum: by giving this to D. Brutus my design was, to fix in the calendars a perpetual memorial of a most acceptable victory: but I perceived on that day that there was more malevolence than gratitude in many of the senate. During these same days I poured out honours (since you will have it so) on the deceased Hirtius, Pansa, and Aquila; and who can find fault with it, but those who, when fear is once

over, forget their past danger? But besides the grateful remembrance of services, there was a use in it, which reached to posterity; for I was desirous that there should remain an eternal monument of the public hatred to our most cruel enemies. There is one thing, I doubt, which does not please you; for it does not please your friends here; who, though excellent men, have but little experience in public affairs—that I decreed an ovation to Cæsar: but, for my part (though I may perhaps be mistaken, for I am not one of those who approve nothing but what is my own), I cannot but think that I have advised nothing more prudent during this war. Why it is so is not proper to be explained, lest I be thought to have been more provident in it than grateful. But even this is too much: let us pass therefore to other things. I decreed honours to D. Brutus; decreed them to Plancus: they must be men of great souls who are attracted by glory; but the senate also is certainly wise in trying every art that is honest, by which it can engage any one to the service of the republic. But I am blamed in the case of Lepidus: to whom, after I had raised a statue in the rostra, I presently threw it down. My view in that honour was to reclaim him from desperate measures; but the madness of an inconstant man got the better of my prudence: nor was there yet so much harm in erecting, as good in demolishing, the statue. But I have said enough concerning honours, and must say a word or two about punishments: for I have often observed from your letters that you are fond of acquiring a reputation for clemency, by your treatment of those whom you have conquered in war. I can imagine nothing to be done by you but what is wisely done: but to omit the punishing of wickedness (which we call pardoning), though it be tolerable in other cases, I hold to be pernicious in this war. Of all the civil wars that have been in my memory, there was not one,

in which what side soever got the better, there would not have remained some form of a commonwealth: yet in this, what sort of a republic we are like to have, if we conquer, I would not easily affirm; but if we are conquered, we are sure to have none. My votes, therefore, were severe against Antony; severe against Lepidus; not from any spirit of revenge, but to deter wicked citizens at present from making war against their country; and to leave an example to posterity, that none hereafter should imitate such rashness. Yet this very vote was not more mine than it was everybody's: in which there seems, I own, to be something cruel, that the punishment should reach to children who have done nothing to deserve it: but the constitution is both ancient, and of all cities; for even Themistocles's children were reduced to want: and since the same punishment falls on citizens condemned of public crimes, how was it possible for us to be more gentle towards enemies? But how can that man complain of me who, if he had conquered, must needs confess that he would have treated me even with more severity? You have now the motives of my opinions in the case of rewards and punishments; for as to other points you have heard, I imagine, what my sentiments and votes have been. But to talk of these things now is not necessary; what I am going to say is extremely so, Brutus,—that you come to Italy with your army as soon as possible. We are in the utmost expectation of you: whenever you set foot in Italy, all the world will fly to you: for whether it be our lot to conquer (as we had already done, if Lepidus had not been desirous to overturn all, and perish himself with his friends), there will be a great want of your authority, for the settling some state of a city among us; or if there be any danger and struggle still behind, hasten to us for God's sake: for you know how much depends on opportunity, how

much on despatch. What diligence I shall use in the care of your sister's children, you will soon know, I hope, from your mother's and sister's letters; in whose cause I have more regard to your will, which is ever most dear to me, than, as some think, to my own constancy; but it is my desire both to be and to appear constant in nothing so much as in loving you.

BRUTUS TO CICERO.

"I have read a part of your letter which you sent to Octavius, transmitted to me by Atticus. Your zeal and concern for my safety gave me no new pleasure; for it is not only common, but our daily news, to hear something which you have said or done with your usual fidelity in the support of my honour and dignity. Yet that same part of your letter affected me with the most sensible grief which my mind could possibly receive: for you compliment him so highly for his services to the republic, and in a strain so suppliant and abject, that,—what shall I say? I am ashamed of the wretched state to which we are reduced—yet it must be said—you recommend my safety to him! to which, what death is not preferable? and plainly show that our servitude is not yet abolished, but our master only changed. Recollect your words, and deny them, if you dare, to be the prayers of a slave to his king. There is one thing, you say, which is required and expected from him, that he would allow those citizens to live in safety of whom all honest men and the people of Rome think well. But what if he will not allow it? Shall we be the less safe for that? It is better not to be safe than to be saved by him. For my part, I can never think all the gods so averse to the preservation of the Roman people, that Octavius must be entreated for the life of any one citizen; much less for the deliverers of the world. It is a pleasure to me to talk thus magnificently; and it

even becomes me to those who know not either what to fear for any one, or what to ask of any one. Can you allow Octavius to have this power, and yet be his friend? or, if you have any value for me, would you wish to see me at Rome, when I must first be recommended to the boy, that he would permit me to be there? what reason can you have to thank him, if you think it necessary to beg of him that he would grant and suffer us to live in safety? or is it to be reckoned a kindness that he chooses to see himself, rather than Antony, in the condition to have such petitions addressed to him? one may supplicate, indeed, the successor, but never the abolisher, of a tyranny, that those who have deserved well of the republic may be safe. It was this weakness and despair, not more blameable, indeed, in you than in all, which first pushed Cæsar to the ambition of reigning; and, after his death, encouraged Antony to think of seizing his place; and has now raised this boy so high, that you judge it necessary to address your prayers to him for the preservation of men of our rank; and that we can be saved only by the mercy of one scarce yet a man, and by no other means. But if we had remembered ourselves to be Romans, these infamous men would not be more daring to aim at dominion than we to repel it: nor would Antony be more encouraged by Cæsar's reign than deterred by his fate. How can you, a consular senator, and the avenger of so many treasons (by suppressing which you have but postponed our ruin, I fear, for a time), reflect on what you have done, and yet approve these things, or bear them so tamely as to seem, at least, to approve them? for what particular grudge had you to Antony? no other but that he assumed all this to himself; that our lives should be begged of him: our safety be precarious, from whom he had received his liberty; and the republic depend on his will and pleasure. You thought it necessary to take arms to prevent him

from tyrannizing at this rate: but was it your intent that, by preventing him, we might sue to another, who would suffer himself to be advanced into his place, or that the republic might be free and mistress of itself? as if our quarrel was not, perhaps, to slavery, but to the conditions of it. But we might have had, not only an easy master in Antony, if we would have been content with that, but whatever share with him we pleased of favours and honours: for what could he deny to those whose patience, he saw, was the best support of his government? but nothing was of such value to us that we would sell our faith and our liberty for it. This very boy, whom the name of Cæsar seems to incite against the destroyers of Cæsar, at what rate would he value it (if there was any room to traffic with him) to be enabled by our help to maintain his present power; since we have a mind to live, and to be rich, and to be called consulars? But then Cæsar must have perished in vain: for what reason had we to rejoice at his death, if after it we were still to continue slaves? Let other people be as indolent as they please; but may the gods and goddesses deprive me sooner of any thing than the resolution not to allow to the heir of him whom I killed what I did not allow to the man himself; nor would suffer, even in my father, were he living, to have more power than the laws and the senate. How can you imagine that any one can be free under him, without whose leave there is no place for us in that city? or how is it possible for you, after all, to obtain what you ask? You ask that he would allow us to be safe. Shall we then receive safety, think you, when we receive life? But how can we receive it, if we first part with our honour and liberty? Do you fancy that to live at Rome is to be safe? It is the thing, and not the place, which must secure that to me: for I was never safe while Cæsar lived, till I had resolved on that attempt: nor can I, in any place, live in exile,

as long as I hate slavery and affronts above all other evils. Is not this to fall back again into the same state of darkness; when he who has taken on him the name of the tyrant (though in the cities of Greece, when the tyrants are destroyed, their children also perish with them) must be entreated that the avengers of tyranny may be safe? Can I ever wish to see that city, or think it a city, which would not accept liberty when offered, and even forced on it, but has more dread of the name of their late king in the person of a boy than confidence in itself; though it has seen that very king taken off, in the height of all his power, by the virtue of a few? As for me, do not recommend me any more to your Cæsar, nor indeed yourself, if you will hearken to me. You set a very high value on the few years which remain to you at that age, if, for the sake of them, you can supplicate that boy. But take care, after all, lest what you have done, and are doing, so laudably against Antony, instead of being praised, as the effect of a great mind, be charged to the account of your fear; for, if you are so pleased with Octavius, as to petition him for our safety, you will be thought not to have disliked a master, but to have wanted a more friendly one. As to your praising him for the things that he has hitherto done, I entirely approve it; for they deserved to be praised, provided that he undertook them to repel other men's power, not to advance his own. But when you adjudge him not only to have this power, but that you ought to submit to it so far as to entreat him that he would not destroy us, you pay him too great a recompense; for you ascribe that very thing to him which the republic seemed to enjoy through him; nor does it ever enter into your thoughts, that if Octavius be worthy of any honours, because he wages war with Antony, that those who extirpated the very evil of which these are but the relics can never be sufficiently requited by the Roman people, though they

were to heap on them every thing which they could bestow: but see how much stronger people's fears are than their memories, because Antony still lives, and is in arms! As to Cæsar, all that could and ought to be done is past, and cannot be recalled. Is Octavius, then, a person of so great importance, that the people of Rome are to expect from him what he will determine on us? or are we of so little, that any single man is to be entreated for our safety? As for me, may I never return to you, if ever I either supplicate any man, or do not restrain those who are disposed to do it, from supplicating for themselves; or I will remove to a distance from all such, who can be slaves, and fancy myself at Rome, wherever I can live free; and shall pity you, whose fond desire of life neither age, nor honours, nor the example of other men's virtue can moderate. For my part, I shall ever think myself happy, as long as I can please myself with the persuasion that my piety has been fully requited: for what can be happier than for a man, conscious of virtuous acts, and content with liberty, to despise all human affairs? Yet I will never yield to those who are fond of yielding, or to be conquered by those who are willing to be conquered themselves; but will first try and attempt every thing; nor ever desist from dragging our city out of slavery. If such fortune attends me as I ought to have, we shall all rejoice; if not, I shall rejoice myself: for how could this life be spent better than in acts and thoughts which tend to make my countrymen free? I beg and beseech you, Cicero, not to desert the cause through weariness or diffidence; repelling present evils, have your eye always on the future, lest they insinuate themselves before you are aware. Consider that the fortitude and courage with which you delivered the republic, when consul, and now again when consular, are nothing without constancy and equability. The case of tried virtue, *I own*, is harder than of untried: we require services

from it as debts, and, if any thing disappoints us, we blame with resentment, as if we had been deceived. Wherefore, for Cicero to withstand Antony, though it be a part highly commendable, yet because such a consul seemed, of course, to promise us such a consular, nobody wonders at it: but if the same Cicero, in the case of others, should waver at last in that resolution, which he exerted with such firmness and greatness of mind against Antony, he would deprive himself, not only of the hopes of future glory, but forfeit even that which is past: for nothing is great in itself but what flows from the result of our judgment: nor does it become any man, more than you, [illegible]ve the republic, and to be the patron of liberty, the account either of your natural talents, or your [illegible] acts, or the wishes and expectation of all men. Octavius, therefore, must not be entreated to suffer us to live in safety. Do you rather rouse yourself so fa[illegible] to think that city, in which you have [illegible]d the noblest part, free and flourishing, as long as there are leaders still to the people, to resist the designs of traitors.

If we compare these two letters, we shall perceive Cicero's an extensive view and true judgment of things, tempered with the greatest politeness and affection for his friend, and an unwillingness to disgust, where he thought it necessary even to blame: Brutus's, a churlish and morose arrogance, claim[illegible] infinite honours to himself, yet allowing none to [illegible]ody else; insolently chiding and dictating to [illegible] much superior to him in wisdom as he was [illegible]; the whole turning on that romantic maxim of the stoics, enforced without any regard to times and circumstances—that a wise man has a sufficiency of all things within himself. There are, in[illegible]eed, many noble sentiments in it, worthy of old Rome, which Cicero, in a proper season, would have recommended as warmly as he; yet they were

not principles to act on in a conjuncture so critical; and the rigid application of them is the less excusable in Brutus, because he himself did not always practise what he professed, but was too apt to forget both the stoic and the Roman.

Octavius had no sooner settled the affairs of the city, and subdued the senate to his mind, than he marched back towards Gaul, to meet Antony and Lepidus, who had already passed the Alps, and brought their armies into Italy, in order to have a personal interview with him, which had been privately concerted, for settling the terms of a triple league, and dividing the power and provinces of the empire among themselves. All the three were natural enemies to each other, competitors for empire, and aiming severally to possess what could not be obtained but with the ruin of the rest: their meeting, therefore, was not to establish any real amity or lasting concord, for that was impossible, but to suspend their own quarrels for the present, and with common forces to oppress their common enemies, the friends of liberty and the republic; without which, all their several hopes and ambitious views must inevitably be blasted.

The place appointed for the interview was a small island about two miles from Bononia, formed by the river Rhenus, which runs near to that city: here they met as men of their character must necessarily meet, not without jealousy and suspicion of danger from each other; being all attended by their choicest troops, each with five legions, disposed in separate camps, within sight of the island. Lepidus entered it the first, as an equal friend to the other two, to see that the place was clear, and free from treachery; and when he had given the signal agreed on, Antony and Octavius advanced from the opposite banks of the river, and passed into the island by bridges, which they left guarded on each side by three hundred of their own men. Their first care, instead

of embracing, was to search one another, whether they had not brought daggers concealed under their clothes; and when that ceremony was over, Octavius took his seat between the other two, in the most honourable place, on account of his being consul.

In this situation they spent three days in a close conference to adjust the plan of their accommodation; the substance of which was, that the three should be invested jointly with supreme power, for the term of five years, with the title of triumvirs, for settling the state of the republic: that they should act in all cases by common consent; nominate the magistrates and governors, both at home and abroad, and determine all affairs relating to the public by their sole will and pleasure: that Octavius should have, for his peculiar province, Africa, with Sicily, Sardinia, and the other islands of the Mediterranean; Lepidus, Spain, with the Narbonese Gaul; Antony, the other two Gauls, on both sides of the Alps; and to put them all on a level, both in title and authority, that Octavius should resign the consulship to Ventidius for the remainder of the year: that Antony and Octavius should prosecute the war against Brutus and Cassius, each of them at the head of twenty legions; and Lepidus, with three legions, be left to guard the city; and, at the end of the war, that eighteen cities or colonies, the best and richest of Italy, together with their lands and districts, should be taken from their owners, and assigned to the perpetual possession of the soldiers, as the reward of their faithful services. These conditions were published to their several armies, and received by them with acclamations of joy and mutual gratulations for this happy union of their chiefs; which, at the desire of the soldiers, was ratified likewise by a marriage, agreed to be consummated between Octavius and Claudia, the daughter of Antony's wife Pulvia, by her first husband P. Clodius.

The last thing that they adjusted was the list of a proscription, which they were determined to make of their enemies. This, as the writers tell us, occasioned much difficulty and warm contests among them; till each of them in his turn, consented to sacrifice some of his best friends to the revenge and resentment of his colleagues. The whole list is said to have consisted of three hundred senators and two thousand knights, all doomed to die, for a crime the most unpardonable to tyrants—their adherence to the cause of liberty. They reserved the publication of the general list to their arrival at Rome, excepting only a few of the most obnoxious, the heads of the republican party, about seventeen in all, the chief of whom was Cicero. These they marked out for immediate destruction; and sent their emissaries away, directly, to surprise and murder them, before any notice could reach them of their danger: four of this number were presently taken, and killed, in the company of their friends, and the rest hunted out by the soldiers in private houses and temples; which presently filled the city with a universal terror and consternation, as if it had been taken by an enemy: so that the consul Pedius was forced to run about the streets all the night, to quiet the minds and appease the fears of the people; and, as soon as it was light, published the names of the seventeen who were principally sought for, with an assurance of safety and indemnity to all others: but he himself was so shocked and fatigued, by the horror of this night's work, that he died the day following.

We have no hint from any of Cicero's letters (for none remain to us of so low a date) what his sentiments were on this interview of the three chiefs, or what resolution he had taken in consequence of it. He could not but foresee that it must needs be fatal to him, if it passed to the satisfaction of Antony and Lepidus; for he had several times declared, that he expected the last severity from them, if ever they

got the better. But whatever he had cause to apprehend, it is certain that it was still in his power to avoid it, by going over to Brutus, in Macedonia: but he seems to have thought that remedy worse than the evil; and had so great an abhorrence of entering again, in his advanced age, into a civil war, and so little value for the few years of life which remained to him, that he declares it a thousand times better to die than to seek his safety from camps: and he was the more indifferent about what might happen to himself, since his son was removed from all immediate danger by being already with Brutus.

The old historians endeavour to persuade us that Cæsar did not give him up to the revenge of his colleagues without the greatest reluctance, and after a struggle of two days to preserve him: but all that tenderness was artificial, and a part assumed, to give the better colour to his desertion of him: for Cicero's death was the natural effect of their union; and a necessary sacrifice to the common interest of the three: those who met to destroy liberty must come determined to destroy him; since his authority was too great to be suffered in an enemy, and experience had shown that nothing could make him a friend to the oppressors of his country.

Cæsar therefore was pleased with it, undoubtedly, as much as the rest; and when his pretended squeamishness was overruled, showed himself more cruel and bloody, in urging the proscription, than either of the other two. Nothing, says Velleius, was so shameful on this occasion as that Cæsar should be forced to proscribe any man; or that Cicero, especially, should be proscribed by him. But there was no force in the case: for though, to save Cæsar's honour, and to extort, as it were, Cicero from him, Lepidus gave up his own brother Paulus; and Antony his uncle, L. Cæsar, who were both actually put into the list; yet neither of them lost their lives, but were protected from any harm by the power of their relations.

Cicero was at his Tusculan villa, with his brother and nephew, when he first received the news of the proscription, and of their being included in it. It was the design of the triumvirate to keep it a secret, if possible, to the moment of execution; in order to surprise those whom they had destined to destruction before they were aware of the danger, or had time to escape. But some of Cicero's friends found means to give him early notice of it; on which he set forward presently, with his brother and nephew, towards Astura, the nearest villa which he had on the sea, with intent to transport themselves directly out of the reach of their enemies. But Quintus, being wholly unprepared for so sudden a voyage, resolved to turn back with his son to Rome, in confidence of lying concealed there till they could provide money and necessaries for their support abroad. Cicero, in the mean while, found a vessel ready for him at Astura, in which he presently embarked: but the winds being cross and turbulent, and the sea wholly uneasy to him, after he had sailed about two leagues along the coast, he landed at Circæum, and spent a night near that place, in great anxiety and irresolution: the question was, what course he should steer, and whether he should fly to Brutus, or to Cassius, or to S. Pompey; but after all his deliberations, none of them pleased him so much as the expedient of dying; so that, as Plutarch says, he had some thoughts of returning to the city, and killing himself in Cæsar's house, in order to leave the guilt and curse of his blood on Cæsar's perfidy and ingratitude: but the importunity of his servants prevailed with him to sail forward to Cajeta, where he went again on shore, to repose himself in his Formian villa, about a mile from the coast; weary of life and the sea, and declaring that he would die in that country which he had so often saved. Here he slept soundly for several hours; though, as some writers tell us, a great number of crows were flutter-

ing all the while, and making a strange noise about his windows, as if to rouse and warn him of his approaching fate; and that one of them made its way into the chamber, and pulled away his very bed-clothes; till his slaves, admonished by this prodigy, and ashamed to see brute creatures more solicitous for his safety than themselves, forced him into his litter or portable chair, and carried him away towards the ship, through the private ways and walks of his woods; having just heard that soldiers were already come into the country in quest of him, and not far from the villa. As soon as they were gone, the soldiers arrived at the house, and, perceiving him to be fled, pursued immediately towards the sea, and overtook him in the wood. Their leader was one Popilius Lænas, a tribune or colonel of the army, whom Cicero had formerly defended and preserved in a capital cause. As soon as the soldiers appeared, the servants prepared themselves to fight, being resolved to defend their master's life at the hazard of their own: but Cicero commanded them to set him down, and to make no resistance: then looking on his executioners with a presence and firmness which almost daunted them, and thrusting his neck as forwardly as he could out of the litter, he bade them do their work, and take what they wanted: on which they presently cut off his head, and both his hands, and returned with them, in all haste and great joy, towards Rome, as the most agreeable present which they could possibly carry to Antony. Popilius charged himself with the conveyance, without reflecting on the infamy of carrying that head which had saved his own: he found Antony in the forum, surrounded with guards and crowds of people: but on showing from a distance the spoils which he brought, he was rewarded on the spot with the honour of a crown, and about eight thousand pounds sterling. Antony ordered the head to be fixed on the rostra, between the two hands; a sad spectacle

to the city, and what drew tears from every eye; to see those mangled members, which used to exert themselves so gloriously from that place, in defence of the lives, fortunes, and liberties of the Roman people, so lamentably exposed to the scorn of sycophants and traitors. The deaths of the rest, says an historian of that age, caused only a private and particular sorrow, but Cicero's a universal one: it was a triumph over the republic itself; and seemed to confirm and establish the perpetual slavery of Rome. Antony considered it as such; and, satiated with Cicero's blood, declared the proscription at an end.

He was killed on the 7th of December, about ten days from the settlement of the triumvirate, after he had lived sixty-three years, eleven months, and five days.

THE ORATIONS.

TRANSLATED BY

PROFESSOR DUNCAN.

ORATION I.—AGAINST QUINTUS CÆCILIUS.

ARGUMENT.

VERRES, having governed Sicily three years, with the title of pretor, distinguished himself in that employment by every act of oppression and tyranny—When his command was at an end, all the people of Sicily, those of Syracuse and Messina excepted, resolved to impeach him on the law of bribery and corruption, and applied to Cicero, who had formerly been questor among them, that he would manage the prosecution—Cicero, though he had hitherto employed his eloquence only in defence of his friends, yet readily undertook the present cause, as it was both just and popular, and gave him an opportunity of displaying his abilities against Hortensius, the only man in Rome that could pretend to rival him in the talent of speaking—In the mean time Quintus Cæcilius Niger, who had been questor to Verres, and an accomplice with him in his guilt, claimed a preference to Cicero in the task of accusing, and endeavoured to get the cause into his hands, in order to betray it—He pretended to have received many personal injuries from Verres: that, having been questor under him, he was better acquainted with his crimes: and, lastly, that being a native of Sicily, he had the best right to prosecute the oppressor of his country—Cicero refutes these reasons in the following oration, which is called *divination*, because the process to which it relates was wholly conjectural: for the cause not properly regarding a matter of fact, but the claim and qualifications of the accusers, the judges, without the help of witnesses, were to *divine*, as it were, what was fit to be done—This happened in the thirty-seventh year of Cicero's age, A. U. C. 685. The affair was decided in favour of Cicero.

IF any on your bench, my lords, or in this assembly, should perhaps wonder that I, whose practice for so many years, in causes and public trials, has been such as to defend many, but attack none, now suddenly change from my wonted manner, and descend to the office of an accuser, I am apt to think that, on weighing the grounds and reasons of my proceeding, he will not only approve of the step I

have taken, but own likewise that I deserve the preference to all others in the management of the present prosecution. When I had finished my questorship in Sicily, my lords, and was returned from that province, leaving a grateful and lasting remembrance of my name and administration behind me, it so fell out that the Sicilians, as they placed the highest confidence in many of their ancient patrons, so did they imagine they might repose some in me too for the security of their fortunes. And being at that time grievously harassed and oppressed, they frequently came to me in a body, publicly soliciting me to undertake their defence. They put me in mind of my many promises and declarations, not to be wanting to them in offices of friendship, when time or necessity should require. The time, they told me, was now come, when not only their fortunes, but the very being and safety of the whole province was at stake: that they had not even their gods to fly to for protection; of whose sacred images, their cities and most august temples had been rifled by the impiety of Verres: that whatever luxury in voluptuousness, cruelty in punishing, avarice in extortion, or insolence in oppression, could devise to torment a people, had by this one pretor, during the space of three years, been inflicted on them: that they therefore requested and conjured me not to disregard their supplications; since, while I was safe, they ought to become suppliants to none.

It was with indignation and concern, my lords, that I saw myself reduced to the necessity, either of disappointing those who applied to me for relief and assistance, or undertaking the disagreeable task of an accuser, after having employed myself from my earliest youth in defending the oppressed. I told them they might have recourse to Q. Cæcilius, who seemed the fitter person to manage their cause, as he had been questor after me in the same province. But the very argument by which I hoped to extricate

myself from this difficulty proved a principal obstruction to my design: for they would much more readily have agreed to my proposal had they not known Cæcilius, or had he never exercised the office of questor among them. I was therefore prevailed on, my lords, from a consideration of my duty, my engagements, the compassion due to distress, the examples of many worthy men, the institutions of former times, and the practice of our ancestors, to charge myself with a part, in which I have not consulted my own inclinations, but the necessities of my friends. It is some comfort, however, my lords, that my present pleadings cannot so properly be accounted an accusation as a defence: for I defend a multitude of men, a number of cities, and the whole province of Sicily. If, therefore, I am under a necessity of arraigning one, I still seem to act agreeably to my former character, without deviating from the patronage and defence of mankind. But granting I could not produce such powerful, weighty, and urgent reasons; granting the Sicilians had not solicited me to undertake their cause; or that my connexion with them had not laid me under any obligations to comply; and that in this whole affair I should profess no other motive than the view of serving my country, and of bringing to justice a man infamous for avarice, insolence, and villany, whose robberies and crimes have not been confined to Sicily alone, but are likewise notorious over all Achaia, Asia, Cilicia, Pamphylia—in fine, at Rome, before the eyes of all men; who, I desire to know, could object either to my conduct or intentions?

Immortal gods! what nobler service can I at this time render the commonwealth? What can I undertake more grateful to the people of Rome, more desirable to our allies and foreign nations, or more calculated for the safety and advantage of mankind in general? The provinces are plundered, harassed, and utterly ruined: the allies and tributaries of the

Roman people, overwhelmed with anguish and affliction, despair now of redress, and only solicit an alleviation of their calamities. They who are for having the administration of justice continue in the hands of the senators complain of the insufficiency of accusers; and they who are capable of acting as accusers complain of the remissness of the judges. In the mean time the Roman people, though labouring under many hardships and difficulties, desire nothing so much as the revival of the ancient force and firmness of public trials. Through their impatience for a vigorous administration of justice they have extorted the restoration of the tribunitian power:* from the contempt into which our tribunals are fallen; another order is demanded for the decision of causes. The infamy and corruption of the judges have occasioned a desire to see the censorship† re-

* Caius Gracchus had passed a law, by which the administration of justice was vested in the order of knights. This privilege they enjoyed with great reputation till Sylla, having made himself master of the republic, transferred it from the knights to the senators, with whom it remained at this time. But as these last did not execute this great trust with the integrity and impartiality that might have been expected, the people were impatient to see it restored to the equestrian order. For the same reason they were very desirous that the tribunitian power might recover its former vigour, which had always been a great check on the nobles, till the before-mentioned usurpation of Sylla, who, in favour of his own order, considerably retrenched the authority of that office.

† The censors were created every fifth year, to watch over the manners and discipline of the state. They had power to punish immorality in any person of what order soever. The senators they might expel the house; which was done by omitting such a person when they called over the names. The knights they punished, by taking away the horse allowed them at the public charge. The commons they might either remove from a higher tribe to a less honourable, or quite disable them to give their votes in the assemblies; or set a fine on them, to be paid to the treasury. At the end of the fifth year they took an exact survey of the people, concluding the whole with a solemn lustration, or expiatory sacrifice. The sacrifice consisted of a sow, a sheep, and a bull; whence it took the name of *Suovetaurilia*, and the space of five years came to be signified by the word *lustrum*. This office, though useful and necessary, was yet very odious in a free state; and for that reason had been discontinued several years. But now corruption, especially in courts of justice, was come to such a height that the people themselves were desirous of reviving it.

established; an office which, though formerly accounted severe, is now become popular and agreeable. Amid these exorbitant oppressions of guilty men; amid the daily complaints of the Roman people; the infamy of our tribunals; and the odium conceived against the whole order of senators; as there appeared no other remedy for these evils but for men of ability and integrity to undertake the defence of the commonwealth and the laws; I own I was prevailed on, out of regard to the common safety, to endeavour at relieving the republic, in that part where she seemed most to stand in need of help. And now that I have laid before you the reasons by which I was determined to appear in this cause, it remains that I speak to the point under debate, that in the choice of an accuser you may the better see whereon to ground your judgment. I apprehend, my lords, when an information is brought against any one for extortion, if a dispute arises about the person most proper to act as impeacher, that these two things are of principal moment,—whom the parties aggrieved chiefly desire to have the management of their cause, and whom the person accused dreads most in that capacity.

Though I think both these points, my lords, sufficiently clear in the present cause, yet I shall speak particularly to each of them: and first, of that which ought to have the principal sway in the debate; I mean, the inclination of the suffering parties, for whose sake the present trial was granted. C. Verres is charged with having for three years plundered the province of Sicily, rifled the cities, stripped the private houses, and pillaged the temples. The Sicilians in a body are present, to offer their complaints: they fly to my protection, of which already they have had long and ample experience: by me they solicit redress from this court, and from the laws of the Roman people: they have chosen me as their refuge against oppression, as the revenger of

their wrongs, the patron of their rights, and the sole manager of the present impeachment. Will you, Cæcilius, pretend, either that the Sicilians have not importuned me to undertake their cause, or that the inclinations of our best and most faithful allies ought not to weigh with those who compose this court? If you dare assert what Verres, to whom you profess yourself an enemy, desires above all things should be believed, that the Sicilians have not applied to me in this case, you will thereby do a service to the cause of your enemy, against whom not a presumptive sentence only, but an absolute judgment, is already supposed to be given, from the notoriety that the Sicilians have unanimously demanded an advocate for their rights against his oppressions. If you, his enemy, dispute this fact, which he himself, though it makes directly against him, has not the face to deny, beware that you are not suspected of pushing your resentment with too gentle a hand. Besides, several of the most illustrious men of the commonwealth, all whose names it were needless to repeat, can witness the contrary: I shall mention only such as are present, whom I would be very far from having the assurance to appeal to, were I conscious of advancing a falsehood. C. Marcellus, who sits on the bench, knows the truth of what I assert: Cn. Lentulus Marcellinus, whom I see in court, can likewise testify the same thing; two persons, on whose protection and patronage the Sicilians have a principal dependence; that whole province being in a particular manner attached to the name of the Marcelli. These know that I have been not only importuned to undertake this affair, but so frequently, and with so much earnestness, that I was under a necessity of either charging myself with the cause, or renouncing the ties of relation between us. But what need, after all, of appealing to witnesses, as if the thing were doubtful or obscure? Men of the greatest quality in the whole province are here

present, my lords, who personally request and conjure you, that in appointing one to prosecute their cause, your sentiments may not be different from theirs. Commissioners appear from every city in Sicily, except two; whose deputies, if present, would considerably weaken the force of two principal branches of the accusation, in which these cities were accomplices with Verres. But why do they apply chiefly to me for protection? If the fact itself was doubtful, I might perhaps explain the reasons of this application. But as it is a case so evident, that you may judge of it by what you see, I know no reason why an objection from my being chosen, preferable to all others, ought to affect me. But, my lords, I arrogate no such distinction to myself; and am so far from claiming it in what I now offer to your consideration, that I should be sorry if it entered into the imagination of any person whatsoever, that I was preferred to all other patrons. It is by no means so: but regard is had to every one's circumstances, health, and abilities. My inclinations and sentiments always were, that any one capable of managing the cause should undertake it, rather than myself; but myself, rather than none.

Since, then, it is evident, that the Sicilians have besought me to charge myself with their defence, it now remains that we inquire, whether this ought to have any influence in the present debate; whether the allies of the Roman people, applying in a suppliant manner for a redress of grievances, ought not to have great weight in swaying your determinations? But why do I dwell on this subject? as if it was not apparent that the whole system of laws relating to extortion was established for the sake of the allies alone. When citizens defraud one another, they may have recourse to a civil action, and the municipal laws of the state. This law is wholly social; it is the peculiar right of foreign nations: they have this fortress, somewhat weakened, indeed, and less able

to protect them than formerly; yet still, if any hope remains to cheer the hearts of our allies, it is wholly founded on this law: a law which not only the people of Rome, but the remotest nations, long to see under the care of rigorous guardians. Who then can deny that a law ought to take its course according to the inclination of those in favour of whom it was enacted? Could all the people of Sicily speak with one voice, they would say, 'You, Verres, have robbed and plundered us of all the gold, silver, and ornaments that were in our cities, houses, or temples; you have violated every privilege we enjoyed by the friendship of the senate and people of Rome; and on that account we have brought an action against you of a hundred millions of sesterces."* I say, could the

* It will be proper here to give the reader such a general notion of the Roman coins, and their manner of computing, as may enable him to form a judgment of the several sums that frequently occur in this work. The Romans reckoned their money by *æs*, *asses*, *sestertii* or *nummi*, *denarii*, *solidi* or *aurei*, *pondo* or *libra*. The *æs*, or *as*, was so named as being of brass, and at first consisted of a pound weight, but was in time reduced to two ounces, then to one ounce, and at last to half an ounce. Its parts were, the *semis*, or half *æs*; the *triens*, or third part of the *as*, the *quadrans*, or fourth part, by some called *triuncis* and *teruncius*, because it contained three ounces, before the value was diminished; the *sextans*, or sixth part, which made two ounces; and, lastly, the *uncia*, or twelfth part, making one ounce. They had likewise names for any other number of ounces under twelve; as the *quincunx*, *septunx*, *bes*, *dodrans*, &c. The *sestertius*, so called *quasi sesquitertius*, because it made two *asses* and a half, was the fourth part of the *denarius*, in value about twopence of our money. It is often called absolutely *nummus*, because it was in most frequent use, as also *sestertius nummus*. When the word is used in the neuter gender, *sestertium*, it denotes always a thousand *sestertii*. The *denarius* was the chief silver coin in use among the Romans, so called because it contained *denos æris*, ten *asses*: it was equivalent to four *sestertii*, or about eightpence of our money: The *solidus*, or *aureus*, was a gold coin, equal in value to two *denarii*. The *as*, because at first it was a pound weight, is often thus expressed—L. And the *sestertius*, because it was equivalent to two pounds of brass and a half, thus—HS, or LLS. The sums in use among the Romans were chiefly three: the *sestertium*, the *libra*, and the *talent*. The *sestertium*, as we have already observed, was equivalent to a thousand *sestertii*, about eight pounds of our money. In reckoning by serterces, the Romans had an art, which may be understood by these three rules; the first is, if a numeral noun agree in case, gender, and number, with sestertius, then it denotes precisely so many *sestertii*, as *decem sestertii*, just so many. The second is this, if a numeral noun of another case be joined with the genitive plural of *sestertius*, it denotes so many thou-

whole province speak with one tongue, this would be its language: but, as that is impossible, they have made choice of such an advocate as they thought best for their purpose. Shall any one, therefore, in an affair of this kind, have the assurance to thrust himself into another's cause, contrary to the inclination of those who are immediately concerned?

Should the Sicilians speak thus to you, Cæcilius, "We know you not; we are strangers to your character; we never saw you before; suffer us to commit the defence of our fortunes to a man whose integrity we have experienced:"—would they not say what all the world must approve? Now they even tell you that they know us both; that they expressly desire the one for their advocate, and will have nothing to do with the other. Were they silent as to the reasons of this refusal, it would be no hard matter to divine them: but they are by no means silent. Will you then force yourself on them, against their inclination? Will you speak in a cause in which you have no concern? Will you charge yourself with the defence of those who choose rather to see themselves abandoned by all the world, than trust their defence in your hands? Will you engage to protect a people who are persuaded you have neither inclination nor power to serve them? Why would you deprive them of the small hopes of relief they have still left, in the equity of the laws and judges? Why

sand, as *decem sestertium* signifies ten thousand *sestertii*. Lastly, if the adverb numeral be joined, it denotes so many hundred thousand, as *decies sestertium* signifies ten hundred thousand *sestertii*: or, if the numeral adverb be put by itself, the signification is the same; *decies* or *vigesies* stand for so many hundred thousand *sestertii*, or so many hundred *sestertia*. This will help us to discover the sum here mentioned by Cicero; for, according to the last of these rules, *millies sestertium* signifies a thousand times a hundred thousand *sestertii*, or a hundred thousand *sestertia*; and as the *sestertium* was nearly equal to eight pounds of our money, the whole sum amounts to about eight hundred thousand pounds. The *libra*, or pound, contained twelve ounces of silver, and was worth three pounds of our money. The third sum was the *talent*, which contained twenty-four *sestertia*, amounting nearly to a hundred and ninety-two pounds.

would you interpose, in opposition to the will of those for whose benefit the law was chiefly designed? Why do you aim at entirely subverting the fortunes of a people to whom you had rendered yourself so very obnoxious in the province? Why are you for divesting them of the power, not only of prosecuting their rights, but even of deploring their misfortunes? For which of them, do you imagine, would attend the trial under your management, when you know they are labouring, not to punish another by your help, but, by means of another, to avenge the wrongs they have received from you?

But this proves only that the Sicilians chiefly desire me for their advocate. The other point, whom Verres most dreads in the capacity of accuser, may perhaps be thought obscure. Did ever man struggle more earnestly in a cause where both his honour and life were concerned, than he and his friends to have my service set aside in the present trial? There are many things Verres imagines in me, of which he knows you, Cæcilius, to be destitute. But of these, and the manner in which they exist in us both, I shall soon have occasion to speak. At present I shall only say what you yourself must tacitly allow, that there is nothing in me which he can contemn, nothing in you which he ought to dread. Hence his great friend and champion Hortensius* solicits for you, and opposes me. He openly demands of the judges to give you the preference; and pretends that in this he acts fairly, without jealousy or resent-

* Hortensius was a pleader of distinguished abilities, and had acquired great reputation in the forum, when Cicero first made his appearance as an orator. These two long rivalled each other: but Hortensius, having first run through the career of public honours, began to slacken a little his efforts; while Cicero, on the other hand, redoubling his, obtained at last, by the general suffrage of the city, the palm of eloquence. We have here a representation of Hortensius's manner of pleading, who seems not to have been over-scrupulous in point of equity, thinking all means lawful by which he could bring off his client. But doubtless we are to view the picture with some grains of allowance, as it comes from the hand of an adversary and a rival.

ment. I ask not, says he, what I am wont to obtain, when I plead with earnestness: I ask not that the criminal should be acquitted; but only that he should be impeached by this man, rather than the other. Grant me but this; grant what is easy, honourable, and safe; and, in so doing, you will, without danger or infamy to yourselves, secure the absolution of him whose cause I espouse. And that fear as well as favour may determine you to a compliance, he says there are certain judges in court to whom he is resolved the suffrages shall be shown. That this is an easy matter, as they give not in their votes singly, but jointly and together. That every judge is to have a tablet legitimately waxed over,* where artifice and treachery can have no place. Nor is all this anxiety so much for the sake of Verres, as from his dislike to the whole proceeding: for he sees that if the business of accusation is taken out of the hands of young men of quality† whom he has hitherto baffled, and of pettifoggers whom he has always justly despised and set at naught, and committed to men of courage and reputation, he can no longer domineer in the courts of justice as formerly.

And here I think proper to acquaint this gentleman beforehand, that if the cause in question is committed to my care, he must resolve on changing his

* This alludes to the manner of giving judgment among the Romans. The judges had each a tablet covered with wax, on which they wrote the letter A, if they meant to acquit; C, if they condemned; and N L, that is, *non liquet*, if the cause appeared doubtful. These tablets were delivered to the proper officer, who put them into an urn; and, after sorting them, declared the majority. As to the infamous tablets the orator here speaks of, Asconius tells us, that Terentius Varro being accused of extortion, and defended by Hortensius, the latter found means to corrupt the judges; and, to make sure that they fulfilled their engagements, contrived to give them tablets covered over with wax of different colours, that by the letters inscribed on each he might know whether they voted according to agreement.

† This refers to Appius Claudius and Cæsar, both young men; the one of whom accused Terentius Varro, the other Dolabella. But by the artful management of Hortensius, who made use of the tickets of different colours mentioned above, they were both acquitted.

whole method of defence; and yet the alteration will be such as may perhaps tend more to his honour and reputation than he desires; by obliging him to an imitation of those great men whom he has seen make so distinguished a figure in the forum, Lucius Crassus and Marcus Antonius, who thought themselves at liberty to employ no weapons in defence of their clients but integrity and eloquence. He shall have no reason to think, if I am charged with the impeachment, that this bench can be corrupted without great peril to many. In the cause now before you, my lords, though I have indeed undertaken the defence of the Sicilians, yet I consider myself as principally labouring for the Roman people; as endeavouring to crush, not a single oppressor, which is all the Sicilians have in view, but to exterminate and abolish the very name of oppression, which is what the Roman people have long desired with earnestness. What my efforts or success may be, I choose rather to leave to the imagination of others, than insinuate by any expressions of my own. But what are you, Cæcilius, able to effect?

On what occasion, or in what cause, have you either given proof of your abilities to others, or so much as made trial of them yourself? Do you reflect on the difficulties of managing a public trial? Of unravelling another's whole course of life, and fixing it, not only in the minds of the judges, but painting it to the eyes and imagination of all men? Of defending the safety of our allies, the rights of provinces, the authority of the laws, and the majesty of justice?

Learn from me, now that an opportunity of informing yourself first falls in your way, how many qualifications are required in the man who undertakes a public accusation: and if you can with justice lay claim to any one of them, I shall frankly give up the point in debate. First, an unblemished innocence and integrity; for nothing can be more

absurd than for a man to call in question the life of another, who is unable to give a good account of his own. I will make no particular application of this to you. One thing I believe is taken notice of by all, that the Sicilians are the only people who have had an opportunity of knowing you: and yet these very Sicilians declare, that, exasperated as they are at the man to whom you pretend yourself an enemy, were you to be his accuser, not one of them would be present at the trial. The reasons of this refusal I am not willing to repeat. It is evident they suspect what indeed they cannot avoid suspecting. As they are a shrewd suspicious set of men, they imagine you would not bring testimonies from Sicily against Verres; but, seeing the acts of his pretorship and your questorship are registered in the same journals, rather suspect you would secrete their records. An accuser ought likewise to be a man of firmness and veracity. Were I disposed to think well of your intentions this way, I easily perceive that no such qualifications can belong to you. Nor do I mention those circumstances which, if mentioned, you could not disprove; that, before you left Sicily, you was reconciled to Verres: that Potamo, your secretary and confidant, remained with Verres in the province after your departure: that Marcus Cæcilius, your brother, a most hopeful and accomplished youth, is not only not present and not assisting in prosecuting your injuries, but is now actually with Verres, and lives there in the strictest friendship and familiarity. These, and many other presumptions of a suborned accuser, which I omit at present, are to be found in you. This however I maintain, that were your inclinations ever so good, it is impossible you should acquit yourself honestly in the present trial. For I perceive a great many crimes, in which you are so much an accomplice with Verres that you dare not touch on them in the impeachment.

All Sicily complains that Verres, when he had ordered his magazines to be filled, and corn was a two sesterces a bushel, extorted money of the farmers at the rate of twelve. An enormous abuse, an exorbitant sum, a barefaced robbery, an insupportable injustice! This single crime, in my judgment, were sufficient to condemn him. But how do you intend to behave, Cæcilius? Will you object, or pass over this crying injustice? If you object it, do you not charge another with a crime of which you was yourself guilty at the same time, and in the same province? Will you venture to accuse another in such manner as must needs draw the same degree of guilt on yourself? But if you pass it over, of what nature must that accusation be, which, from an apprehension of personal danger, dreads, not only the suspicion, but the very mention of a notorious and crying injustice? By a decree of the senate, a quantity of corn* was bought from the Sicilians under the pretorship of Verres, for which complete payment was never made. This is a heavy article against Verres; heavy, if objected by me; but of no avail, if by you: for you was then questor; you had the management of the public money; and it depended in a great measure on you to prevent any abatement, supposing even the pretor had desired it. This crime will likewise pass unmentioned in your accusation. His greatest and most notorious frauds and exactions will not be so much as objected to him in the trial. Believe me, Cæcilius, he is ill qualified to defend the rights of the allies in an impeachment who is himself an associate with the accused in his crimes. The farmers of the revenue extorted money from the

* Sicily paid to the Romans, by way of tribute, a tenth part of her corn; but as the island abounded in grain, and was in a manner the storehouse of Rome, they were likewise obliged, by a decree of the senate, to allow another tenth for the use of the state; for which they were to receive a fixed price. Verres, it seems, exacted this tenth; but, instead of paying or it, as usual, converted the money to his own private use.

cities instead of corn. Was this done only during the pretorship of Verres? No; but also during the questorship of Cæcilius. Will you then charge him with a crime which you both could and ought to have prevented? Or will you entirely suppress this article? Verres will therefore hear no mention in his trial of a crime which, at the time of committing it, he was conscious he could not defend.

But I only speak of notorious and known facts. There are others of a more private nature, in which Verres kindly shared with his questor, to stifle his heat and resentment. You know I am informed of all these; and were I to disclose them at this time, it would appear that you were not only confederates in guilt, but that part of the plunder remains yet to be divided. If, therefore, you desire to be admitted an evidence as to these points, I have nothing to object, provided the laws allow it. But if the dispute regards the impeachment, you must leave that to those who are deterred by no crimes of their own from laying open the guilt of another. Think only of the difference between your accusation and mine. I mean to charge Verres with the crimes committed by you, without his participation; because, though the chief command resided in him, he did not prevent them. You, on the contrary, will not so much as object his personal guilt, lest you should be found in any instance an accomplice with him. But say, Cæcilius, do you make no account of the qualifications, without which a cause, especially one so important, cannot be sustained: the practice of the forum: the exercise of speaking: the knowledge of our laws, constitution, and courts of judicature? I know what a rugged and dangerous path I am got into; for as arrogance of every kind is hateful, so in a particular manner that of wit and eloquence. I shall therefore say nothing of my own talents: there is indeed no room for it; and if it was otherwise, I would yet choose to be silent. It is enough for me

that I have a reputation, how slender soever it may be: or, if that suffices not, nothing I can say will serve to raise it.

As for you, Cæcilius, laying aside our present dispute and controversy, I will address you as a friend. Examine your own thoughts carefully; recollect yourself; consider who you are, and what you are capable of. Do you imagine, in a cause of so much weight and difficulty, where you will be called on to support the interests of the allies, the safety of the province, the rights of the Roman people, and the majesty of the laws and legislature; do you imagine, I say, that you have eloquence, memory, understanding, and capacity sufficient for the management of so many, so various, and such complicated points? Do you imagine, when you come to lay open the abuses of Verres, in his questorship, in his pretorship, as lieutenant to Dolabella, at Rome, in Italy, in Achaia, Asia, and Pamphylia, that you will be able to describe and point them out in your impeachment, in like manner as they are distinguished as to time and place? And, which is indispensably necessary in a prosecution of this kind, do you imagine yourself capable to draw such a picture of the lust, cruelty, and wickedness of the criminal, that the very hearers shall feel the same resentment and indignation as the persons who suffered under them? Believe me, sir, these are important points of which I speak, and such as I would by no means advise you to slight. Every circumstance must be laid down, proved, and explained. The charge must not only be opened, but set off with all the flow and dignity of eloquence. If you hope to succeed, it is not enough that you are barely heard; you must make yourself be heard with pleasure and attention. Were you ever so happy in the gifts of nature; had you from your earliest youth been trained in all the liberal arts and sciences, and improved them by continual study; had you learned Greek at Athens, instead of Lilybæum; Latin at

Rome, instead of Sicily; it would yet be a mighty acquisition to master by your diligence a cause of much weight and expectation, to comprehend it in your memory, explain it by your eloquence, and sustain it with all the advantages of action and utterance. Perhaps you will tell me, "What! do all these qualities then meet in you?" I wish indeed they did! however, I have earnestly laboured from my childhood to attain them. But if I, who have employed my whole life in this pursuit, have not been able to succeed by reason of their weight and difficulty; how very remote must you be, who not only never thought of them before, but now, that you are engaged in them, cannot so much as comprehend their nature and importance!

Though, as all know, my practice in the forum and public trials has been such, that few or none of the same age have been concerned in more causes; and though I have employed all the time I could spare from the business of my friends, in these studies and occupations, that I might be expert and ready at the practice of the bar; yet may I never enjoy the favour of Heaven, if, as often as I reflect on the day when I must appear against the accused, I do not feel, not only a great anxiety on my mind, but a trembling in every joint. Already I figure to myself the eagerness and curiosity of the public on this occasion; what an expectation the importance of the trial will raise; what crowds of people the infamy of Verres will draw together; in fine, what an attention the detail of his villanies will beget to my discourse. All which when I reflect on, I am under no small concern, how I shall acquit myself suitable to the importance of the trial, the expectations of the public, and the resentment of those whom he has irritated and provoked by his oppressions. You have no anxiety, apprehension, or trouble about these things; and if you but learn from some antiquated oration, "I call to witness the all-powerful Jupiter," or, "My

lords, I could heartily wish," or some such common-place phrase, you imagine you come abundantly prepared for the trial. It is my opinion, that if no one was to oppose you, you are yet incapable of making good the charge. But now you never so much as reflect, that you are to enter the lists with a man of consummate eloquence, and thoroughly prepared for his client's defence; one with whom you must argue, canvass, and settle every point; whose capacity I praise, without dreading it; and whose eloquence, I allow, may charm me, but can never impose on my judgment.

Never shall his measures disconcert, never his arts baffle me; nor will he even attempt to weaken and undermine me by his abilities. I know all his methods of attack, all the artifice of his pleading. We have often been concerned in the same, often in contrary, causes. Great as his abilities are, he will yet oppose me in such manner as to show he is not without some dread of his adversary. But as for you, Cæcilius, I already figure to myself in what manner he will disconcert and perplex you. As often as he leaves to your choice, to admit or deny a fact, to agree or reject a proposition, which side soever you take, you will still find it make against you. Immortal gods! what confusion, what uncertainty, what darkness will the good man fall into! How will he be amazed, when his adversary begins to digest the different heads of the accusation, and arrange, on his fingers, the several parts of the cause! When he sets himself to examine, prove, and discuss every article! You will even begin to suspect that you have brought an innocent man into danger. Say, when he shall endeavour to excite pity and compassion, and to throw some of the public odium from Verres on you; when he shall urge the sacred tie of questor and pretor; the practice of our ancestors; and the awful decision of the provincial lot: will you be able to bear the load of hatred his discourse must

bring on you? Consider with yourself, reflect again and again; for to me there seems great danger, not only of his disconcerting you with his pleading, but of his confounding your very senses by his action and gesture, and driving you from all your purposes and resolves. But I perceive we are soon to have a specimen of what may be expected from you. For if you answer to the purpose, what I have advanced against you; if you depart one word from that scroll of pilfered pleadings, which I know not what pedagogue has put into your hands; I shall then allow that you may acquit yourself well in the present trial, and be equal to the cause and province you have undertaken to manage. But if in this prelude you shall prove nobody, what can we expect from you in the engagement itself against a formidable adversary?

But perhaps I shall be told, Cæcilius indeed is nothing—can do nothing; but he comes backed with able and expert solicitors.* This, I own, is something; yet it is far from being sufficient: for, in all affairs, he that holds the first rank ought to be every way ready and prepared. But I find Lucius Apuleius is his first solicitor—a man in years indeed, but a mere novice in the practice and business of the forum. His next, I think, is Allienus, hitherto concerned only in petty trials; and whose eloquence I am very little acquainted with. I perceive, indeed, that he is well trained and exercised in bawling. All your hopes rest on him. If the cause is committed to your management, he will sustain the whole weight of the prosecution. And yet he will not exert his utmost in pleading; but show a proper

* The solicitors were those who assisted the accuser to manage the accusation; and none were allowed to take this office on them till they had received a power of so doing from the judges. Cicero here observes, that as they had only an under part to act, it was against the rules of propriety to see them surpass the principal manager of the trial; which yet must happen to Cæcilius, whose abilities were no way equal to the task of conducting an impeachment.

regard to your character and reputation, and check in some degree the impetuosity of his eloquence, that you may have an opportunity of shining. As it often happens among the Greek actors, when a person appointed to play an inferior character, though capable of eclipsing him that has the first, chooses yet to conceal his art, that the principal parts may appear with all possible advantage. Such will be the conduct of Allienus: he will study to act only an under part in this affair; he will endeavour to set you off to advantage; and, to that end, will abate a little of his wonted force. Consider, then, my lords, what prosecutors we are like to have in this important trial, where even Allienus will suppress some part of his eloquence, if in truth we can allow him any; and where Cæcilius can only hope to make a figure, if Allienus abates of his usual vehemence, and leaves the principal part to him. Who is to act as fourth solicitor I cannot tell, unless perhaps some one of those common retainers to causes who watch for employment under the prosecutor, to whomsoever that part is adjudged. And yet, with the aid of these men, strangers as they are to the business of the forum, you think yourself abundantly prepared to entertain the public. But I shall not honour them so far as to answer them singly and by turns. This slight notice, as I mentioned them by accident, not design, shall suffice for them all.

Am I so very destitute, do you imagine, of friends as to be obliged to take a solicitor, not from among those who now attend me, but from the dregs of the people? And are you in such want of clients, as rather to aim at wresting this cause out of my hands, than inquire after some criminal of your own rank from the Mœnian column.* "Appoint me," says he,

* The Mœnian column stood in the forum, and was so called from one Mœnius, who, having sold his house to Flaccus and Cato, the censors, whose design was to build a temple there, reserved one pillar for himself and his posterity, as a place whence they might behold the public

"a spy on Tully." A spy, indeed! How many must I keep in pay, were you to have access to my cabinet! since not your tongue only, but your fingers, too, require to be watched. But as to this whole race of spies, I will thus answer you in short; that such men as this court is composed of will never suffer any solicitor to aspire at employment under me against my inclination, in a cause of so great importance, undertaken by, and intrusted to, me; for my honesty disdains a spy, and my diligence daunts an informer. But to return to you, Cæcilius, you see how many are your defects; you must surely by this time be sensible how many reasons the criminal has to wish you for an accuser. What answer can be made to this? I ask not what answer you can make; for I see it is not from you, but from the book which your prompter holds, that we are to expect an answer; but if it prompts you right, it will advise you to leave this place without offering at one word of a reply; for what can you allege? Will you fly to the old pretence, that Verres has injured you? I am ready to grant he did; for it is by no means likely, when his injuries extended to the whole people of Sicily, that you alone should be exempted on this occasion. But the rest of the Sicilians have found an avenger of their wrongs: you, while you endeavour to prosecute your own injuries, for which you are no way qualified, are like to be the cause that those also of others should pass unpunished and unrevenged: for you ought to consider, that not the right only, but the power also, of punishing, demands our regard in a case of this nature. When both these meet in one person, he doubtless is to be preferred; but where only one of these is found, the choice naturally falls on him

shows. At this pillar thieves, or servants who had been guilty of some fault, were punished by the triumviri. At it impeachments were laid against the less notorious offenders; and it was frequented by the most profligate and abandoned set of wretches.

who has the most power, not who has the best will. But if you are of opinion that the right of accusation belongs to him who has received the greatest injury, which do you think ought to weigh most with the judges, the wrongs done to you, or the ravages and depredations of a whole province? I believe you will allow that these last are far more crying and obnoxious. Yield, then, the preference in this point to the province; for the province then accuses, when the management of the cause is committed to him whom they have chosen as the patron of their rights, the avenger of their wrongs, and their advocate for redress of grievances.

But you will tell me, perhaps, that the injury you have received from Verres is of such a nature as cannot fail to rouse resentment even in the breasts of others. This I deny; and indeed think it very material to the question in hand what the nature of the injury is, and what first gave rise to the quarrel. Learn it, then, of me, my lords; for he sure will never disclose it, unless he is quite bereft of understanding. There was at Lilybæum a lady named Agonis, emancipated from the service of Venus Erycina,* and before this man's questorship in easy and plentiful circumstances. One of Antony's† lieutenants violently carried off some music-servants of hers, under pretence that they were wanted for the fleet. The lady, as is usual in Sicily to all who are or have been in the service of Venus, that she might awe the captain by the name and authority of the

* Venus Erycina was so called, from Eryx, a high mountain in Sicily, where she had a very rich and celebrated temple.

† The Antony here spoken of, before the war with the pirates, was appointed to protect the whole maritime coasts of the Roman empire; but as he was a man of a profligate character, and had a set of officers under him of the same stamp, he unjustly attacked the Cretans, and by his ill-management perished in the attempt. The pretence here used for seizing the music-servants was owing to the custom of exercising the rowers by the sound of instruments, which were made use of by the ancients on board their fleets pretty much as the drum is nowadays in military discipline.

goddess, told him that herself and estate were the property of Venus. When this came to the knowledge of the upright and worthy questor, he ordered Agonis to be cited before him, and instantly appointed commissioners to try whether she had affirmed that herself and estate belonged to Venus. The commissioners, as was unavoidable, gave their verdict that she had; for nobody pretended to dispute the fact. The questor, on this, takes possession of her fortune, adjudges her the slave of Venus, sells her estate, and puts the money into his pocket. Thus Agonis, in endeavouring to preserve a few slaves under the sanction and authority of Venus, was stripped of all her fortune and liberty by the injustice of this man. Some time after, Verres comes to Lilybæum, takes cognizance of the fact, reverses the decree, and obliges his questor to refund to the lady all the money that had arisen from the sale of her estate. Hitherto I perceive, indeed, to your surprise, he is not Verres, but Q. Mucius;* for what could he do more lovely in the eyes of mankind, more equitable for the relief of the distressed lady, or more vigorous to check the avarice of his questor? These, to me, seem all highly worthy of praise: but immediately on the spot, as if he had tasted of some enchanted cup, he sinks from Mucius into Verres. He rèturns to himself and his natural disposition; for he converted the greatest part of the money to his own use, and restored to the lady what little he thought proper.

Here, if you say that you suffered by Verres, I admit and own it; but if you complain that you was injured by him, I dispute and deny it. Besides, it does not belong to any of us to be more keen in

* He means, that the pretor acted so far, not like Verres, an unjust magistrate, but with the same integrity that Mucius would have done. This Q. Mucius, surnamed Scævola, was a man of untainted honour and known goodness; who, for the space of nine months, governed Asia so much to the satisfaction of the inhabitants, that they kept a day in each year in honour of him.

prosecuting the injury than yourself, who was the person affected by it. If you was afterward reconciled to him; if you sometimes supped with him, and he with you—whether do you choose to be thought treacherous, or a dissembler? One of them you must be. I shall not dispute about the matter, but leave it to your own choice. But if the very cause of the injury which you pretend to have received no longer subsists, what reasons can you offer, not only why you should be preferred to me, but to any person whatsoever; unless, perhaps, as I hear you are resolved to do, that you was his questor?

This indeed would be a good plea, was the contest who should befriend him most; but in a dispute that regards the right of prosecution, it is ridiculous to imagine that so intimate a tie should be a sufficient reason for your appearing against him. Had you even received many injuries from your pretor, it would yet do you more honour to submit than to revenge them: but when what you term an injury was one of the most meritorious actions of his whole life, shall what would not be allowed even in an indifferent person be esteemed a just ground for your violating the relation of questor? Had he injured you in the highest degree, yet to accuse the man under whom you was questor would draw after it some censure; but if he never really wronged you, it were even criminal to accuse him. Since, then, the injury is by no means evident, can you expect that the judges will not rather you should depart without blame than with infamy?

Observe only the difference between your way of thinking and mine. You, though inferior in all respects, imagine you ought to have the preference, merely on the score of being his questor: I, on the contrary, were you superior in every other qualification, should yet look on this single circumstance as a sufficient reason for setting you aside; for it is a doctrine transmitted to us from our ancestors, that

the pretor is in place of a parent to his questor; that no tie can be more sacred and binding than a union founded on an allotment of the same province, than a conjunction of office, and the common discharge of a public trust. Should, therefore, the law admit of your commencing accuser, yet, as he has been to you in place of a parent, you cannot act such a part consistent with piety. But as he never offered you any real injury, and you yet threaten your pretor with a prosecution, you must own yourself liable to the charge of a criminal and unjust attack: for the nature of the questorship is such as to require your giving a reason why you, who filled that office under him, should undertake to become his accuser; but can never be urged as an argument for your having the preference in this trial. Nay, there is hardly an instance of a dispute of this kind in which the questor was not rejected. Accordingly, we find that neither was Lucius Philo admitted to plead against Caius Servilius, nor Marcus Aurelius Scaurus against Lucius Flaccus, nor Cneius Pompey against Titus Albutius;* not that they were excluded on account of insufficiency, but to avoid countenancing by the authority of the judges the wanton dissolution of a sacred tie. Yet the dispute between Cneius Pompey and Caius Julius was the very same as that between you and me. Pompey had been questor to Albutius, as you to Verres. Julius, on the other hand, had this plea—that he was solicited to undertake the impeachment by the Sardinians, in like manner as I now am by the Sicilians. This consideration has always had the greatest weight; it has ever been esteemed an unexceptionable argument in favour of an accuser, when for

* The examples here produced are all of questors who, offering to impeach the magistrates under whom they had served, were refused permission by the people, to whom it seemed a bad precedent. Cicero urges them as an argument against Cæcilius's suit, and it must be owned they form a very strong one.

the interest of the allies, the safety of a province, and the benefit of foreign nations, he has not scrupled to create himself enemies, to expose himself to dangers, and to interpose with all his abilities, zeal, and application.

And, in truth, if it be justifiable in a man to prosecute another for private injuries, to which he is only prompted by his personal sufferings, not by any concern for the welfare of the state, how much more noble must it appear, and not only justifiable, but even meritorious, where no private injuries have been received, to be roused by the wrongs and sufferings of the allies and friends of the Roman people. Lately, when Lucius Piso,* a man of the greatest courage and integrity, impeached Publius Gabinius, and Quintus Cæcilius endeavoured to wrest the cause from him, under pretence of prosecuting an old injury—though the reputation and merit of Piso had great weight with the judges, yet the most decisive circumstance in his favour was, that the Achæans had adopted him their patron; for since the law relating to extortion was made in favour of the allies and friends of the people of Rome, it is unreasonable not to suppose him the fittest prosecutor in an impeachment founded on that law, whom those very allies have chosen before all others for the management of their cause and the defence of their fortunes. Has not that which carries the most fair and honourable appearance the justest title to our approbation? Now, which of these declarations is the most illustrious and praiseworthy? I accuse him to whom I was questor—him with whom I was con-

* The Lucius Piso here mentioned was by profession a lawyer, and, when tribune of the people, enacted a law against extortion. He impeached Publius Gabinius for mal-administration in the government of Asia; and, being opposed by Quintus Cæcilius, carried it against him, because it appeared that the Achæans themselves had applied to him to undertake their cause. It will be necessary to inform the reader that the Quintus Cæcilius here spoken of is not the same with him who sought a right of accusing Verres: and that though the Greeks in general were called Achæans, yet the word here is only taken for the inhabitants of Pontus, who accused Gabinius of extortion.

nected by lot, by the customs of our ancestors, and the decree of gods and men; or, I accuse at the request of the allies and friends of the people of Rome: I am chosen by the whole province to defend and maintain their rights. Can any one entertain a doubt whether it be not more honourable to accuse in favour of those among whom you was questor, than to accuse the man whose questor you was? The most illustrious men in the best times of the commonwealth have always considered it as their greatest and noblest commendation to redress the wrongs and defend the properties of strangers, of their own clients, and of foreign nations the allies and tributaries of Rome. It is recorded of Marcus Cato,* so distinguished by his wisdom, reputation, and prudence, that he drew on himself the powerful enmity of many on account of the injuries done to the Spaniards, among whom he had been while consul. We all know that Cneius Domitius lately impeached Marcus Silanus for the wrongs offered to a single person, Egritomarus by name, the friend and host of his father.

Nor indeed has any thing of late so much alarmed the minds of guilty men as this custom of our ancestors, repeated and renewed after a long discontinuance. To see the complaints of our allies laid before a man of activity, and their cause undertaken by one likely to defend their interests with integrity and spirit, fills them with dread and terror. They are sorry that such a custom should ever have taken place, but still more so that it is revived and repeated. they begin to apprehend, that should the practice insinuate and gain ground, the administration of law and justice must pass through the hands of men of

* Cato accused Sergius Galba for plundering the inhabitants of Lusitania, one of the three provinces into which ancient Spain was divided. He likewise, at the instances of the same people, accused Publius Furius for setting an immoderate price on corn. By these accusations he procured himself a great many enemies.

integrity and courage, not of beardless boys, and a rabble of mercenary pleaders. Our fathers and forefathers were not ashamed of this institution, when Publius Lentulus,* prince of the senate, with Caius Rutilius Rufus for his solicitor, accused Marcus Aquilius: or when Publius Africanus,† a man eminently distinguished by his virtue, fortune, reputation, and military exploits, after he had been twice consul and censor, impeached Lucius Cotta. The Roman name was then deservedly famous: the dignity of this empire, and the majesty of the republic, were justly held in veneration. No one wondered at that in the great Africanus, which they who are dissatisfied with this proceeding affect now to treat with surprise in me, a man so much beneath him in rank and fortune. "What does he mean?" say they. "The man who has hitherto been accustomed to defend, would he now pass for an accuser, especially at an age when he is suing for the edileship?" But I think it an honour not only at my time of life, but even at a much more advanced age, to accuse the wicked, and defend the wretched and miserable. And, indeed, either it is a remedy for a languishing and almost incurable administration, groaning under the corruption and vices of a few, that men of integrity, honour, and application should take on them the defence of the laws, and the revival of public justice:

* This Lentulus was the father of Lentulus Sura, who was strangled in prison, for having embarked in the conspiracy of Catiline. The dignity of prince of the senate, with which the orator here informs us he was invested, entitled him to the privilege of giving his opinion first in all debates. He was commonly the oldest member of the senate, whose name appeared first on the roll, and enjoyed this honour during life. M. Aquilius, here mentioned, was accused by Lentulus of extortion, and defended by Antony, who drew aside his garment, and showed the scars of those wounds he had received for the republic, in the war with the slaves in Sicily.

† L. Cotta was accused by P. Africanus, after he had been twice consul and censor. He was defended by Q. Metellus Macedonicus; and, as Cicero informs us in his oration for Murena, was acquitted by the people, not so much on account of his innocence, as that he might not seem to have fallen a victim to the power and credit of his adversary.

or, if even this be found ineffectual, it is in vain any longer to hope for redress. Nothing tends more to the preservation of a state than for an accuser to be no less tender of his reputation, honour, and fame than the accused is solicitous about his life and fortunes. Accordingly, we find that such as were the most jealous of their own characters have always proved the most diligent and indefatigable accusers.

Therefore, my lords, you have reason to believe that Quintus Cæcilius, a man of no reputation, from whom very little is expected in the present trial, who has neither any fame already acquired to preserve, nor any future expectations to confirm, will not acquit himself in this cause with the industry, vigour, and severity it requires; for he can lose nothing by a repulse. Should we even suppose him shamefully and scandalously baffled, all his former merit still remains. Of me the Roman people have many pledges, which I must strive with my utmost endeavours to preserve, to defend, to confirm, and to redeem. They have the honour for which I am now a candidate: they have the hope that animates all my pursuits: they have a reputation, too, acquired with much sweat, watching, and toil. If I give proof of my fidelity and diligence in this cause, all these will remain sure and inviolable in the hands of my country; but if I trip or stumble in the least, the acquisitions of a whole life will be destroyed in one moment. Therefore, my lords, it remains for you to pitch on the man whom you think best qualified by his integrity, diligence, wisdom, and authority, to sustain the weight of this prosecution. Should the preference be given to Cæcilius, I shall not think my character in the least affected by such a sentence: but take care that the people of Rome have not too much reason to believe that so upright, so severe, and so vigorous an impeachment was neither agreeable to you, nor to those of your order.

ORATION II.—FOR THE MANILIAN LAW.

ARGUMENT.

In the consulship of M. Æmilius and L. Volcatius, L. Lucullus, who in quality of proconsul had continued almost seven years at the head of the Roman army in Asia Minor, and obtained many signal victories over Mithridates, was recalled by a decree of the senate—As the war was not yet finished, there was a necessity for sending some other general to supply his place—C. Manilius a tribune of the people, proposed a law, preferring Pompey to that important commission—This proposal met with great opposition, because Pompey having already the command of the piratical war, with a very extensive authority, many Romans of distinction thought it would be dangerous to trust so much power in the hands of one person—Cicero, who seems to have entertained a high opinion of Pompey's honour and probity, and considered him as the only man in the commonwealth fit to conduct a war of that importance, was zealous for the passing of the Manilian law, and in this speech endeavoured to support it with all his credit and eloquence—He begins with explaining the nature and importance of the Mithridatic war, and says every thing that might serve to animate the people to continue and pursue it with vigour—Thence passing to the choice of a general, he enters into so beautiful a detail of Pompey's merit and qualifications, that I question whether there be any history where the character of that great man is so well drawn—In the sequel the law passed, though Catulus and Hortensius, two of the most considerable men in Rome, and both consular senators, were among the number of those that opposed it—Pompey was sent against Mithridates, with a more extensive command than had been granted even to Lucullus; Bithynia, and several other provinces, being included in his commission—He received his orders in Cilicia, where he was employed in putting the last hand to the war against the pirates; by the successful conclusion of which, he restored the Roman commonwealth to her wonted power and splendour, which the ill conduct of her generals abroad, and the remissness of the administration at home, had of late considerably impaired—The oration was delivered from the tribunal of harangues, being the first time of Cicero's appearance in that place; for hitherto he had pleaded only private causes in the pretor's court—It was spoken A. U. C. 687, and the forty-first of Cicero's age, soon after his election to the pretorship.

Though your crowded assemblies, Romans, be always a grateful sight to me; though this place*

* Cicero here means the *rostra*, or tribunal of harangues, which was situate in the forum, and adorned with the beaks of ships, whence it had

appears the most conspicuous for counsel, and the most honourable for debate; yet not choice, but the way of life I have been engaged in from my early youth, have hitherto excluded me from this theatre of praise, ever open to the worthy and the wise: for as till now I had not reached the age necessary to entitle me to so distinguished an honour, and as I judged nothing worthy of this tribunal in which the most consummate genius and industry were not conspicuous; I thought it best to dedicate my whole time to the concerns of my friends. Accordingly, this place has always abounded with able pleaders in the cause of the republic; and my talents, employed in the defence of private citizens, have by your suffrages been crowned with a glorious reward: for when by reason of the adjournment of the comitia, I found myself thrice chosen first pretor* by all the centuries, it was easy for me thence to collect, both what your sentiments of me were, and what qualifications you required in others. Now that I am clothed with all that authority which is annexed to the offices you have honoured me with; and as my talents for business are such as the constant exercise of pleading may produce in a man of industry, be assured that whatever authority I possess shall be

its name. This place was set apart for enacting laws, pleading causes, and delivering speeches to the people. Here none were allowed to speak but men of the first note, and such as bore offices of dignity in the state.

* The pretor was a magistrate, to whom belonged the administration of justice. At first only one was created, then two, in the time of Sylla eight, and last of all ten. Of these pretors two had the management of private trials committed to them; one, the city pretor, who judged between fellow-citizens; the other, the foreign pretor, who took cognizance of the affairs of strangers. The other eight were criminal judges, and had each his particular province. Two were appointed to decide in cases of murder; one of extortion; one of embezzling the public money; one of corruption; one of fraud; one of treason; and one of violence. Cicero here tells us that he was thrice declared first pretor by all the centuries. Not that there was any inequality or difference of dignity between the pretors, but he who was first chosen to that office by the people was judged on that account to have the preference in their favour. Plutarch, in his Life of Cicero, tells us that he had to struggle with many candidates of the first dignity, from all whom he nevertheless carried the honour of the first nomination.

exerted in behalf of those from whom I derived it; and if my eloquence carries any weight, I will display it chiefly to those who have thought it worthy of reward. And here I think I may justly congratulate myself that, unaccustomed as I am to harangue in this manner, and from this place, a subject presents itself on which it is impossible not to be eloquent. I am to speak of the singular and amazing virtues of Pompey; a theme where I shall find it more difficult to know when to stop than how to begin; and where my principal study must be, not to search for materials, but to set bounds to my oration.

But that my discourse may run back to the source of the present debate: an important and dangerous war is carried on against your tributaries and allies, by two very powerful monarchs, Mithridates and Tigranes;* of whom the one being provoked, and the other not pushed after his defeat, they think a favourable opportunity offers to possess themselves of all Asia. Letters are daily brought from that quarter to the Roman knights, men of character and eminence, who have a great interest in the collection of your revenues; and on account of my near connexion with their order, have thought proper to lay before me the cause of the republic, and the danger

* Mithridates, though originally no more than king of Pontus, found means by his valour to render himself master of all Asia Minor, and great part of Greece. Cicero, in his Lucullus, pronounces him the greatest of kings, next to Alexander. He was vanquished and restricted to his hereditary dominions by Sylla: but renewing the war again after his death, Lucullus was sent against him, who defeated him in several battles, and in the last would infallibly have made him prisoner, had not the soldiers, instead of continuing the pursuit, abandoned themselves to the desire of plunder. This gave him an opportunity of escaping to his son-in-law Tigranes, who reigned in Armenia, and is by Plutarch styled the king of kings. His power was so great, that, having driven the Parthians out of Asia, he transplanted the Greek states into Media, and ruled Syria and Palestine. Lucullus, notwithstanding, summoned him to deliver up Mithridates; and on his refusal pushed him so vigorously that, after taking possession of Tigranocerta, the city of his own residence, he twice routed his numerous forces, and obliged him to fly into the skirts of Armenia.

to which their own private fortunes are exposed: that in Bithynia,* now a Roman province, a great number of villages are burnt down; that the kingdom of Ariobarzanes,† which borders on your tributaries, is wholly in the power of the enemy; that Lucullus, after a series of great exploits, is about to relinquish that war; that his successor is but ill provided for the execution of so difficult an enterprise; and that the unanimous voice of citizens and allies points at and demands one person for the conduct of this war, as the only man alive who strikes terror into our enemies. You see then the point in question; it now remains for you to consider what is fit to be done. To me it seems necessary to speak, first of the nature, then of the greatness, of the war, and lastly of the choice of a general. The nature of the war is such as ought to arouse all your courage, and kindle your warmest resentment; it regards the glory of the Roman people, which your ancestors have transmitted with so much lustre in all things, but principally in the science of arms; it regards the safety of your friends and allies, in defence of which your forefathers have sustained many heavy and dangerous wars; it regards the surest and fairest revenues of the commonwealth, without which we can neither support peace with dignity, nor furnish the necessary expenses during war; in fine, it regards the private fortunes of many illustrious citizens, whose pros-

* Nicomedes, surnamed Philopater, the son of that Nicomedes who, on the death of his father Prusias, took possession of the kingdom of Bithynia, being expelled his dominions by Mithridates, was again restored by Sylla. In gratitude for this service, chancing to die some years after, he left the Roman people heir to his kingdom, which the republic reduced into the form of a province.

† Cappadocia, whence he was twice expelled by Mithridates, and as often restored by the Romans. Lucullus being recalled by a decree of the senate, Mithridates again took possession of his kingdom; and enjoyed it till Pompey, after the total defeat of him and Tigranes, restored Ariobarzanes a third time.

perity demands your utmost attention, both on their own and the republic's account.

And because the thirst of glory, and passion for fame, has been always stronger in you than in any other people, you must wipe out that stain contracted in the last Mithridatic war,* which has given so deep and dangerous a wound to the reputation of the Roman people: that the man who in one day, over all Asia, through so many states, by a simple courier, and the contents of a single letter, marked out the Roman citizens to butchery and destruction, has not only hitherto escaped without any suitable punishment, but now counts the twenty-third year of his reign from that period; a reign too so prosperous, that instead of seeking to hide himself in Pontus, and the fastnesses of Cappadocia, he has broke through the limits of his paternal inheritance, and riots among your tributary provinces, in the rich and fertile country of Asia: for hitherto your generals have fought in such a manner with this prince as to carry off the trophies of victory, not victory itself. L. Sylla triumphed, L. Murena triumphed over Mithridates; both brave men, and accomplished commanders: but their triumphs were such as to leave him, after all his losses and defeats, in full possession of royalty. Nevertheless these generals deserve praise for what they did, and pardon for what they left undone; for the concerns of the common-

* This broke out in the consulship of Q. Pompeius and L. Sylla. In the very beginning of this war, Mithridates, having got Q. Oppius the proconsul into his hands, put him in irons. He likewise seized Marcius Aquilius; and setting him on an ass, preceded by a public crier, who proclaimed his approach by name, ordered him to be carried to Pergamus; where he no sooner arrived than melted gold was poured down his throat. He then sent letters to all the governors of the Asiatic provinces, enjoining them, on the thirtieth day after the receipt of the said letters, to massacre all the Romans and Italians in their several districts, without regard to age or sex; and to leave their bodies unburied, a prey to the wild beasts. On this so great an execution ensued, that upwards of 150,000 were slain in one day.

wealth recalled Sylla,* and Sylla himself recalled Murena from the prosecution of that war.

But Mithridates employed the interval that followed, not in endeavours to blot out the memory of the ancient quarrel, but in concerting measures to renew the war; and, after building and equipping vast fleets, levying great armies in all the countries whence troops could be had, and causing a report to be spread that his design was to make war on the people of Bosphorous, his neighbours; he sent ambassadors from Ecbatana into Spain, to treat with the generals then at war with the republic: that, obliging you to make head both by sea and land against two mighty enemies acting in concert, and in provinces so very remote and distant from each other, you might find yourselves embarrassed by the double attack, and be reduced to the necessity of fighting for your empire. But one part of this storm, which proceeded from Sertorius and Spain,† and was by far the most formidable and threatening, was dissipated by the divine conduct and singular valour of Pompey; and in the other scene of action, affairs were so managed by Lucullus, that great and illustrious commander, that his glorious successes in the begin-

* While Sylla was engaged in the Mithridatic war the faction of Marius and Cinna prevailing at Rome, great disturbances ensued, and many of the most considerable men of the commonwealth were killed. This obliged Sylla to conclude a peace hastily with Mithridates, that he might be the sooner at liberty to return to Rome to quell these tumults. Murena, being left behind as Sylla's lieutenant in Asia, to see to the execution of the treaty of peace, and settle the affairs of those provinces, was not over-scrupulous with regard to Mithridates; but, fired with the love of military glory, at first undertook small, and afterward great expeditions against him. Whereon Sylla, thinking it inconsistent with the honour of the Roman name not to stand to the articles of peace, recalled Murena out of Asia.

† Sertorius, a partisan of Marius, on Sylla's return to Italy, fled with Cinna into Spain; where, having gained many nations in those parts to his interest, he supported the Marian cause with great bravery, and frequently routed the Roman armies: but, being proscribed by Sylla, and betrayed by Marcus Antonius, Marcus Perpenna, and some others who had conspired his destruction, he was slain at an entertainment, A. U. C. 681.

ning may be justly attributed to his prudence, not to his good fortune; whereas those latter disasters which have since befallen him seem purely the work of chance, and are not imputable to his misconduct. But of Lucullus I will speak elsewhere, and speak in such a manner, Romans, as neither to deprive him of any due praise, nor load him with false commendations. At present, as the chief design of my speech is the honour and dignity of your empire, see what ought to be your resentments on this occasion.

Your forefathers often engaged in war to revenge the insults offered to their merchants and seamen. How then ought you to be fired when you call to mind, that in consequence of a single express so many thousand Roman citizens were butchered in one day! Corinth,* the pride and ornament of Greece, was by your ancestors doomed to utter destruction, because of the insolent behaviour of the citizens to their ambassadors; and will you suffer the tyrant to escape with impunity by whom a consular senator of the Roman people was condemned to be bound, scourged, and put to death with the most cruel torments? Your fathers would not permit the least infringement of their privileges; and will you tamely overlook the murder of Roman citizens? These avenged even a verbal insult on the dignity of their ambassador; and shall the blood of a Roman senator, shed in the most cruel manner, cry for no vengeance from you? Beware, citizens, beware, lest as it was glorious for them to transmit so extensive an empire to posterity, your inability to preserve and defend it prove not infamous for you. What! to appear unconcerned when the very safety and being of your allies is at stake! Ariobarzanes, a sovereign prince, the friend and confederate of the Roman people, is expelled his dominions. Two potent kings, the inveterate foes, not only of

* Corinth was destroyed by the Romans under the conduct of Mummius, A. U. C. 607.

Rome, but of every state in amity and alliance with her, threaten all Asia. The provinces of Greece, and beyond the Hellespont, unable to repel the danger, look to you for aid; but without daring, or thinking it safe, to name the particular general they want, because you have already put another into that commission. They see and know, as you do, that there is one man in whom all great qualities meet; and are the more impatient to be without him, as he is so near at hand to undertake their defence. A man whose very name and approach, though he came only vested with a naval commission, they nevertheless perceive to have checked and retarded the enemies' attempts. And because they dare not openly proclaim their desires, they silently implore you to consider them in common with the other allied provinces, as worthy of the protection of such a hero. This request is the more reasonable as we have lately sent them commanders, who indeed defended them from the enemy, but whose entrance into their cities differed little from taking them by storm. As to the general now in their eye, they have formerly heard, but at present find him so full of gentleness, moderation, and humanity, that happiest appears the people among whom he longest resides.

If then your ancestors, unprovoked by any injury themselves, and merely for the sake of their allies, engaged in war with Antiochus, Philip, the Ætolians, and Carthaginians; how much more ought you, irritated by a series of personal affronts, to exert yourselves warmly in a quarrel where the dignity of your empire is united with the cause of your confederates; more especially as the fairest revenues of the republic are at stake? For the revenues of the other provinces are such as scarce to defray the expense of protecting them; but Asia is a country so opulent and fertile, that whether we regard the richness of the soil, the variety of fruits, its abundant pastures, and the multitude of commodities for

exportation, it easily claims the preference to all other climates. And therefore, Romans, if you aspire either at success in war, or dignity in peace, you must not only defend this province from conquest, but even from the apprehension of being invaded: for in other affairs, the loss is felt when the disaster happens; but in what regards the revenues of a state, not only real misfortunes, but the very apprehension of them, is productive of mischief: for when an enemy approaches, though no irruption be yet made, the cattle are abandoned, agriculture is neglected, and commerce stagnates. Thus all taxes,* whether on shipping, manufactures, or the fruits of the earth, necessarily cease; insomuch, that the bare rumour of danger, the very apprehension of a war, often sinks the revenues of a whole year. What then may you suppose to be the situation, either of those who pay, or those who collect, the public tributes, when they see themselves threatened with an invasion from two formidable monarchs? When a single incursion of the enemy's cavalry may rifle at once the revenue of an entire year? When the farmers of the taxes shall perceive that all the people employed under them, in the forests, in the fields, in seaports, and in garrisons, are exposed to imminent danger? Do you imagine

* There were three kinds of tributes or taxes, from which the Roman state drew very ample revenues. The first was what they called *decimæ* or *decumæ*, corresponding to our word *tithes*: those were exacted, not only of all the Romans, but of all the Roman allies, either within or without Italy, who farmed public lands: but it is to be observed that these were for the most part only laid on corns wines, oils, and the smaller grains. The second was what they called *scriptura*, a word which, I believe, cannot be rendered by any one word in our language. We know well enough, however, what idea the Romans affixed to it, and in what sense they used it. They meant no more by it than that branch of the revenue which was paid by those who enjoyed the privilege of forests and pasture-grounds belonging to the public. This part of the revenue was probably called *scriptura*, from the sum agreed on with the masters of the customs for the said privilege being entered in a certain book. The third kind of tax was what they called *portorium*, which, except in a few minute circumstances, corresponded to our *customs* laid on goods imported and exported.

it possible to enjoy the labours of all these without preserving the labourers themselves, not only from the reality, but, as I said before, from the very dread of danger?

Nor ought you to overlook the last point I proposed to mention, in speaking of the nature of the war; I mean what regards the fortunes of many Roman citizens; to which, my countrymen, your wisdom ought to pay a particular regard: for the farmers of the revenue, men of worth and rank in the republic, have conveyed all their wealth and effects into that province; and it is incumbent on you to bestow your utmost attention on the preservation of their fortunes: for if we have ever considered the public tributes as the sinews of the state, sure that order of men who are employed in collecting them may be justly looked on as the cement and support of all the other orders. Besides, a number of active and industrious men of other denominations, whose interest you ought to take care of in their absence, are some now trading in Asia,* while others have laid out their money to a great extent in that province. Humanity therefore requires you to protect the fortunes of such a multitude of citizens; and prudence dictates that the ruin of so many individuals cannot fail to affect the public prosperity: for it will avail but little to recover by a victory what the officers of the revenue may have lost; because such as enjoyed the customs before will be disabled from renewing the farm, and others will avoid engaging through fear. Besides, instructed by past misfortunes, we ought sure to

* Very many citizens had their fortunes lodged in the hands of the trading men, who, in the very nature of the thing, must suffer by the losses of these traders. Plutarch informs us that in Asia there were a great number of farmers of the public revenues, and factors, who miserably harassed that province: and that they consisted of all the several orders in Rome (except the senatorian), and especially of the equestrian, of which there were many who were tithe-farmers, labourers, masters of the customs, and collectors of the pasturage and forest money.

keep in mind what the same province, and the same Mithridates, taught us towards the beginning of the Asiatic war: for a number of citizens sustaining at that time great losses in Asia, we know that public credit was at a stand at Rome, from a general stoppage of payment. And, indeed, where a multitude of individuals in any state suffer an entire shipwreck of their fortunes, it is impossible but others must be involved in the same calamity. Shield the commonwealth, therefore, from this danger, and give credit to a principle which experience must have taught you. The public credit at Rome, the circulation of money in the forum, is connected with, and dependent on, the revenues of Asia; the loss of which must infallibly draw after it the ruin of the other. Judge, then, whether you ought not to bend all your cares to the vigorous prosecution of a war, in which the glory of your empire, the safety of your allies, the principal revenues of the state, and the properties of many illustrious citizens are connected with the defence of the republic.

Having thus finished what I had to say concerning the nature of the war, it now remains that I speak of its greatness. And this much I will venture to affirm, that it is indeed a necessary and unavoidable war, yet not so considerable as to give cause of fear. My principal endeavour, therefore, on this occasion, must be, that some particulars which deserve your utmost attention be not slightly overlooked as scarce worthy of notice. And here, that every one may be sensible how disposed I am to allow all that praise to Lucullus which is due to a brave citizen, a wise man, and a great general, I readily own, that at his arrival the numerous forces of Mithridates were provided with every thing necessary or convenient; that Cyzicum, the noblest city of Asia, and the best affected to Rome, was invested and vigorously pressed by the king in person, at the head of a formidable army; and that the courage, assiduity, and

admirable conduct of Lucullus, freed it from the imminent danger to which it was exposed. I must add, that a strong and well appointed fleet, fitted out by Sertorius's lieutenants, who burned with desire to wreak their vengeance on Italy, was by the same general defeated and sunk; that in numberless encounters besides, great bodies of the enemy's forces were overthrown: that Pontus, heretofore inaccessible to the Roman people, was exposed to the depredations of our legions: that Sinope and Amisus, two cities of royal residence, adorned and provided with all the means of defence, with many other towns of Pontus and Cappadocia, were taken in one march, and in one approach: that Mithridates himself, despoiled of his hereditary and paternal dominions, was forced to fly a suppliant to other kings and states: and that all these great actions were performed without loss to our allies, or diminution of our revenues. This, I think, sufficiently speaks his praise; and I believe you will readily allow, Romans, that none of the opposers of this law and measure have so fully enlarged on the merits of Lucullus from this place.

But now, perhaps, it will be asked, if these things are so, how can so difficult a war still remain? Let us examine into this matter a little; for the question is not without foundation. Know then, Romans, that Mithridates fled from his kingdom, just as the famed Medea* is said of old to have escaped out of the same Pontus; whom report feigns to have scattered the limbs of her murdered brother in those places through which her father was to pass, that the care of collecting them, and paternal grief, might

* Medea, flying from her father Æetes, whom she had betrayed, by assisting Jason to obtain the golden fleece, in order to retard his pursuit, cut her brother Absyrtus in pieces, and strewed his limbs in the way; that the father's grief for the loss of his son, and his concern to gather up his mangled remains, might employ him so long as to afford her time to escape.

stay the celerity of his pursuit. Thus Mithridates, to favour his flight, left in Pontus an immense collection of gold and silver, and other valuable and costly ornaments which he had either inherited from his ancestors, or got by plunder in the last Asiatic war, and treasured up in his own dominions. While our troops were employed in pillaging these, the person of the king escaped. Thus in the former case grief, in the latter joy, checked the eager desire of pursuit. In this flight, and under the influence of these terrors, he took refuge with Tigranes, king of Armenia, who received him kindly, roused him from his diffidence, cheered him in his distress, and restored him to some degree of hope. Lucullus followed him with his army into this prince's territories, where he found many nations ready to oppose him, from the dread they entertained of the Roman forces, though they were far from any design either to provoke or attack them. A prevalent and general persuasion had likewise taken hold of the minds of the barbarians, that the design of pillaging a rich and awful temple had brought our army into those parts. Thus many very powerful nations were spirited up against us, by a new kind of terror and dread. Meanwhile our troops, though they took the capital of Tigranes's kingdom,* and routed the enemy in several encounters, were nevertheless dismayed at the distance of the provinces in which they fought, and seized with a desire to return to their own country. Here let me stop; for the issue

* Our author here means Tigranocerta, the capital of Armenia, which Tigranes built, and called after his own name. The walls of it were fifty cubits high; and all the great and wealthy men of the kingdom, to testify their regard for their prince, had removed thither with their treasures, and made it the place of their abode. Plutarch tells us that Lucullus found here 8000 talents, besides other riches. It was here too that he defeated the forces of Mithridates and Tigranes, consisting of 250,000 foot, and 50.000 horse. After this overthrow, the two kings assembled another army, of 70,000 foot, and 35,000 horse, which was again routed by Lucullus; on which Tigranes retired farther into Armenia, and Mithridates made the best of his way to Pontus.

of all was, that our soldiers discovered a greater inclination to retire than to advance. But Mithridates had by this time revived the courage of his troops, and found his army greatly increased by multitudes that flocked to him from his own dominions, and the numerous reinforcements of many foreign kings and nations. This we learn from experience to be frequently the case, that the eminent distresses of princes, by the compassion they are apt to excite, raise powerful confederacies in their favour, especially of such as are either monarchs themselves, or live in subjection to monarchy, because to them the name of royalty sounds great and venerable. Accordingly, he was able to effect more after his defeat than in the very height of his prosperity he durst presume to hope: for when he returned to his own kingdom, not contented with so unexpected a piece of good fortune, in recovering the possession of a country whence he thought himself expelled for ever, he even had the boldness to attack your brave and victorious army.* Suffer me, Romans, in this place (after the example of the poets who write of your affairs), to suppress the mention of our calamity,—a calamity so great that it reached the ears of Lucullus, not by any messenger escaped from the battle, but by the reports of public rumour. In this scene of distress, and amid the heavy losses of so destructive a war, L. Lucullus, who might in some measure perhaps have found a remedy for these evils, constrained by your orders, which, in imitation of former times, set bounds to the duration of his command, dismissed that part of the army which had completed its legal term of service, and

* First he fell on L. Flaccus, whom Lucullus had left to command the army in Pontus; and then on C. Triarius, one of Lucullus's lieutenants, who was sent with a new army to succeed Flaccus. Triarius, hearing that Lucullus was on the march himself to join the army, and desiring to engross the whole glory of the victory, gave Mithridates battle; in which he was routed, with the loss of twenty-four military tribunes, 150 centurions, and upwards of 7000 private men.

delivered over the other to Glabrio. I designedly pass over many things, leaving it to your own conjectures to inform you how important that war is likely to prove, in which, after the defeat of your former army, you are still to oppose, under the auspices of a new commander, the confederacy of two powerful kings, the renewed hostilities of resentful nations, and the entire forces of unsubdued countries.

Methinks I have said enough to prove that the war is in its nature necessary, and by its importance dangerous. Let me now speak of the choice of a general fit to command in such a war, and have the charge of so great an undertaking. It were to be wished, Romans, that this state so abounded with men of courage and probity, as to make it a matter of difficulty to determine to whom chiefly you should intrust the conduct of so important and dangerous a war: but as Pompey is universally allowed, not only to surpass the generals of the present age, but even those of antiquity, in military fame, what reason can any man assign why he should hesitate a moment in the present choice? To me four qualifications seem requisite to form a complete general: a thorough knowledge of war, valour, authority, and good fortune. But where is the man that possesses, or indeed can be required to possess, greater abilities in war than Pompey: one that from a boy, and the exercises of the school, passed into his father's* camp, and began the study of the military art, during the progress of a raging war, maintained by a furious enemy: who, before the period of childhood was elapsed, commenced a soldier under a great general: who, in the very dawn of youth, was him-

* Cn. Pompeius Strabo, who was Cato's colleague in the consulship. He served with great reputation as proconsul during the Italic war, and was afterward general of the army sent to act against Cinna; on which occasion his son Pompey the Great, then but seventeen years old, served under him.

self at the head of a mighty army: who has fought more pitched battles than others have maintained personal disputes: carried on more wars than others have acquired knowledge of by reading: reduced more provinces than others have aspired to even in thought: whose youth was trained to the profession of arms, not by precepts derived from others, but the highest office of command; not by personal mistakes in war, but a train of important victories; not by a series of campaigns, but a succession of triumphs? In fine, what species of war can be named in which the fortune of the republic has not given him an opportunity of exercising himself? The civil, the African, the transalpine, the servile, the naval; together with that of Spain, in which such a multitude of our own citizens and warlike foreigners were concerned. So many and different wars, against such a variety of foes, not only carried on, but happily terminated, by this one man, sufficiently proclaim that there is no part of military knowledge in which he is not an accomplished master.

But where can I find expressions equal to the valour of Cneius Pompey? What can any one deliver on this subject, either worthy of him new to you, or unknown to the most distant nations? For these, as common opinion would have it, are not the only virtues of a general; industry in business, intrepidity in dangers, vigour in action, promptness in execution, prudence in concerting: all which qualities appear with greater lustre in him than in all the other generals we ever saw or heard of. Italy is a witness, which the victorious Sylla himself owned was delivered by his valour and timely succour. Sicily is a witness, which he extricated from the many dangers that surrounded her on every side, not by the terror of his arms, but by the promptitude of his counsels. Africa is a witness, which overflowed with the blood of those very enemies that in numerous swarms laid waste her fields. Gaul

is a witness, through which a way was laid open for our legions into Spain, by the slaughter of her armies. Spain is a witness, which has often beheld multitudes of our enemies overthrown and cut to pieces by this hero. Italy is again and repeatedly a witness, which, when oppressed with the cruel and formidable war of the gladiators, implored his assistance in his absence. The very rumour of his approach damped and broke the force of that war, and his arrival extinguished and cut it up by the roots. At present all maritime states, all foreign kingdoms and nations, the whole extent of the ocean, with the most distant bays and harbours on every coast, are so many witnesses of his merit. For what sea was of late years so well guarded as to be secure? So retired as to escape the researches of our enemies? Where was the sailor that in venturing himself on the ocean did not hazard the loss either of life or liberty; being obliged to traverse seas covered with pirates, or expose himself to the inclemency of the winter? Who would ever have believed that a war so considerable, so shameful, so lasting, so various and widely diffused, could have either been finished in one year by all the generals of the commonwealth, or by one general in the compass of a whole life? What province did you possess at that time uninfested by pirates? What branch of your revenue was safe? Which of your allies did your arms screen from insult? What state was protected by your fleets? How many isles were forsaken by their inhabitants? How many confederate cities were either abandoned through fear, or became the prey of merciless pirates?

But why do I confine myself to the mention of remote transactions? It was of old, it was, I say, the distinguishing character of the Roman people to make war on distant countries, and employ the forces of the empire, not in defence of their own habita-

tions, but to guard the properties of their allies. Shall I take notice of the sea's being shut up to your allies, when the very armies of the republic durst not pass over to Brundusium but in the dead of winter? Shall I complain of the many prisoners made of foreign nations on their journey to Rome, when a ransom was paid even for the ambassadors of the Roman people? Shall I mention how unsafe the ocean was to merchants, when the twelve lictors of your chief magistrate fell into the hands of pirates?* Why should I speak of Cnidus, Colophon, or Samos, with innumerable other stately cities, taken by the corsairs, when you know that your very harbours, those harbours whence you derive your strength and greatness, were forced to submit to their sway? Have you forgot that the celebrated port of Cajeta, when full of ships, was, in presence of a Roman pretor, plundered by pirates? That the children of the very man who had formerly fought them on that coast were by them carried off from Misenum? Need I deplore our loss of Ostia,† so dishonourable to the commonwealth, when a fleet, commanded by a Roman consul, was taken and destroyed by pirates, almost within view of Rome itself? Immortal gods! could the incredible and astonishing valour of one man, in so short a time, throw such a lustre on the state, that you, who so lately saw a fleet of enemies in the mouth of the Tiber, hear not now of one pirate within the limits of the Mediterranean? Nor must I forget with what despatch all this was executed,

* He here places the twelve axes, or badges of distinction of the pretors' office, for the pretors themselves. The pretors had two axes carried before them in the city, and six in their provinces. Hence we learn, from the number twelve here mentioned, that two pretors were made prisoners on this occasion. These were Sextilius and Bilinus, who were seized, together with their badges and lictors, by the pirates.

† Ostia was a city built by Ancus Martius at the mouth of the Tiber. So daring were the pirates, that they landed at this town, and burnt and plundered the Roman vessels; and, as if they entertained no thoughts of returning, remained there, with all their booty and the prisoners that had escaped slaughter, as in a city belonging to themselves.

though you yourselves are no strangers to it: for what man, either urged by the calls of business, or prompted by a desire of gain, could in so short a time visit so many coasts, and accomplish so many voyages, as the fleet under the command of Pompey has done in the pursuits of war? Before the season for sailing was come, he touched at Sicily, visited the coast of Africa, and thence returning to Sardinia with his fleet, secured there three granaries of the republic, with strong squadrons and garrisons. After this, having strengthened the two Spains and Cisalpine Gaul with troops and fleets, and sent detachments to Illyricum, Achaia, and all the states of Greece, he bent his course towards Italy; where leaving powerful squadrons and garrisons behind him to maintain the repose of the Adriatic and Tuscan seas, he, in forty-nine days after weighing from Brundusium, added all Cilicia to the Roman empire; and either took, destroyed, or forced to submit to his authority, all the pirates that had so long infested the coasts of the Mediterranean. The same general, when the Cretans sent ambassadors to him as far as Pamphylia, to implore his clemency,* did not discourage their hopes of being admitted to a surrender, but ordered them to give hostages. Thus Pompey in the end of winter prepared for, in the beginning of spring entered on, and towards the middle of summer finished this formidable war, which had continued so long, and was become so wide and universal as to involve in its bosom all states and nations.

Such is the divine and incredible valour of this

* The Cretans, dreading lest if Metellus made himself master of the island, he would put all the inhabitants to the sword, sent ambassadors to Pompey, with a proffer of surrendering themselves to him, from whom they expected a milder fate. Pompey, willing to deprive Metellus of the glory of conquering Crete, sent Octavius, one of his lieutenants, with orders that he should withdraw from the island. Octavius even went so far as to aid the Cretans against Metellus, whom nevertheless he forced to submit, and punished them with great severity. Though this circumstance in reality reflects no great honour on Pompey, yet Cicero here artfully turns it to his praise.

general. But what are we to think of those other numberless and astonishing virtues I mentioned before? for ability in war is not the only qualification we are to look for in a great and consummate general. Many other illustrious talents ought to accompany and march in the train of this virtue. And, first, what spotless innocence is required in the character of a general? What temperance in all circumstances of life? What untainted honour? What affability? What penetration? What a fund of humanity? Let us briefly examine how conspicuous all these qualities are in Pompey: for here, Romans, we shall find them in the most exalted degree. But we can never so well know and comprehend them by considering them apart, as when we judge of them in comparison with others. Is that man to be ranked among the number of great generals in whose army commissions are bought and sold? Can he have high and honourable views for the interest of the state who employs the money furnished out of the treasury towards the carrying on a war, either in bribing the magistrates to procure him some beneficial province, or in serving the mean purposes of usury at Rome? Your whispers, Romans, discover that you know the persons chargeable with this reproach: for my part, I name nobody; nor can any one take offence without previously owning himself guilty. But which of you is ignorant of the many cruel calamities occasioned by this avarice of generals in all places where our armies come? Call to mind the marches that have of late years been made by our generals in Italy, through towns and territories belonging to Roman citizens. You will thereby the more easily be enabled to form a judgment of what must have passed in foreign countries. I will even venture to affirm that your enemies have suffered less by the arms of your troops, than your allies by furnishing them winter-quarters; for that general can never restrain his soldiers, who is unable to restrain him-

self; nor be an impartial judge with regard to others, who declines an impartial trial in his own case. Is it any wonder then that Pompey should be allowed so far to surpass other generals, when his march through Asia was conducted with such order and discipline, that not only the hands, but the very footsteps of his numerous army, are said to have been without the least offence to the nations at peace with Rome? And as to the moderation at present observed by his troops in their winter-quarters, every day's letters and talk bear witness to it; for so far is any one from being compelled to contribute to the maintenance of his soldiers, that even such as voluntarily offer are not permitted; in which we may behold the true spirit of our ancestors, who considered the houses of their friends and allies, not with an eye to the cravings of avarice, but as places of refuge against the severity of winter.

But let us now consider his temperance in other respects. To what, think you, are we to attribute the incredible celerity and despatch of his voyages? for sure neither the extraordinary strength of the rowers, nor the matchless art of the pilots, nor the indulgent breath of new winds, wafted him so swiftly to the ends of the earth. But those indirect aims that are wont to create so many obstacles to others retarded not him in the prosecution of his design. No avaricious views diverted him into the pursuit of plunder, no criminal passion seduced him into pleasure, the charms of a country provoked not his delight, the reputation of a city excited not his curiosity, nor could even labour itself sooth him into a desire of repose. In fine, he laid it down to himself as a law, not so much as to visit those paintings, statues, and other ornaments of the Greek cities, which the generals his predecessors thought they might carry off at pleasure Accordingly, all the people in those parts consider Pompey, not as a general sent from Rome, but as one descended from

heaven; and they now at last begin to believe that there were formerly among the Romans men of this heroic moderation; a tradition, which foreign nations have of late regarded as fabulous, and contrived to impose on posterity. But now the lustre of our empire has spread itself over these countries: now they begin to be sensible that it was not without reason their ancestors, while we had magistrates of such distinguished moderation, chose rather to be subject to the Roman people than to command over others. Besides, he is so easy of access to those in a private station, and so ready to listen to the complaints of the injured, that though in dignity he surpasses the greatest princes, in gentleness he appears on a level with the lowest of the people. His prudence in counsel, his majestic and copious elocution, with that dignity of person which speaks him born to command, have often been experienced by yourselves, Romans, in this very place. What are we to think of his good faith towards his allies, when his very enemies of all nations own it to be without stain! Such too is his humanity, that it is hard to say whether his foes more dread his valour in the field, or are charmed with his moderation after conquest. And shall it then admit of a doubt, whether the management of this important war ought to be committed to a man who seems by divine appointment sent into the world to put an end to all the wars that harass the present age?

And because authority is of eminent influence, in the conduct of war, and the administration of military command; sure no one can be ignorant that this is a distinguishing part of our general's character. Every man will allow that nothing is of greater consequence in war than the opinion which both friends and foes entertain of your generals; since it evidently appears, that in the greatest affairs, where love, hatred, fear, or contempt are often of decisive influence, men are no less apt to be swayed by the

reports of fame than by principles founded on reason. Where then was there ever a name on earth more renowned than his? Who has yet equalled him in great actions? And, to mention what properly constitutes authority, where is the man of whose merit you have formed so high and advantageous a judgment? Do you imagine there is in the world a coast so unfrequented, as not to have been reached by the fame of that day, when the whole people of Rome crowding into the forum, and all the temples whence it could be seen, demanded Pompey alone to command in a war, which regarded the common interest of all nations? Therefore, to say no more, nor be obliged to strengthen by examples taken from others, what I have affirmed of the prevalence of his authority in war; let me have recourse to the same Pompey for instances of whatever is illustrious and great. The day he was named to the command of the piratical war, from the greatest dearth and scarcity of provisions ever known, the very credit of his name sank their price so much, that they could scarce have been purchased lower in a year of peace and plenty. After the fatal loss sustained in Pontus, in the battle of which I a little before reminded you with reluctance; while our allies trembled; while our enemies grew in spirit and strength; while the province was destitute of sufficient protection; we must doubtless, Romans, have been dispossessed of all Asia had not the fortune of Rome, in that perilous conjuncture, providentially brought Pompey into those parts. His arrival stayed the triumph of Mithridates exulting in the pride of victory; and put a stop to the march of Tigranes, who threatened to overrun Asia with a formidable army. And is it a question with any one what he will effect by his courage, who effected so much by his authority? Or with what ease he will protect your allies and revenues with an army, whose very name and reputation secured them from insult?

But what clearly shows his high reputation with the enemies of the people of Rome is, that however remote and distant, they nevertheless all in so short a time submitted to his authority. The Cretan ambassadors, though they had a Roman army and general in their island, came and sought out Pompey in the extremities of the empire, and made an offer of surrendering all their cities into his hands. Did not Mithridates himself send an ambassador into Spain to Pompey, who always considered him as one really invested with that character? Though those who took umbrage at the deputation's being addressed chiefly to him, chose rather to regard him as a spy. From all these circumstances, Romans, you may now form a judgment, how decisive this authority, confirmed by so many great actions since, and rendered conspicuous by your advantageous declarations in its favour, is like to prove with those foreign princes and states. It remains, that with all the caution and brevity befitting a man who is to speak of the effects of the divine bounty, I say something of his good fortune; a blessing which, though no man can attach to his own person, yet every man may celebrate and record in another. And indeed I am inclined to believe, that offices of command, and the conduct of armies, were so often bestowed on Maximus, Marcellus, Scipio, Marius, and other great generals, not only on account of their valour, but from the opinion entertained of their good fortune: for certainly in the case of some eminent heroes there appears a happy destiny derived from heaven, conducting them to the execution of all those wonders to which they owe their greatness and renown. But with regard to the man whose good fortune I now celebrate, I shall use such moderation of speech as, without making him absolute master of events, will serve only to show that we have neither forgot his past, nor despair of his future success. Thus shall my discourse savour neither of impiety, nor ingrati-

tude. I shall not, therefore, Romans, expatiate here on his great actions at home and abroad, by sea and land, with the unusual success that has attended them: a success so great, that not only did his countrymen always concur with, his allies perform, and his enemies submit to whatever he desired; but even the winds and waves seem to have been obsequious to his will. Suffice it in few words to say, that no man was ever yet so presumptuous as even silently to conceive a wish that the immortal gods would crown him with so many and distinguished proofs of their favour, as they have bestowed on Pompey. That these, O Romans, may ever adhere to and be inseparable from his person, you ought to pray and wish, as I am confident you do, as well on account of the public prosperity, as out of real regard to the man. As, therefore, this war is so necessary that it cannot be avoided; so important that it must be managed with the utmost address; and as you may now commit it into the hands of a general who, to the most consummate knowledge in the art of war, joins eminent courage, an illustrious reputation, and unparalleled success: will ye hesitate, Romans, to employ so favourable an opportunity, presented and put into your hands by the immortal gods for the preservation and enlargement of your empire?

Were Pompey at this time at Rome, in the station of a private citizen, he is yet the only person fit to be chosen for the management of so great a war: but now, when with other urgent advantages, this powerful motive likewise concurs; that he is already on the spot; that he is at the head of an army; that he can immediately join it to the forces now in those parts; what wait we for? or why do we not, when the gods so clearly discover their pleasure, intrust likewise this royal war to the care of the man who has already terminated so many others with the highest advantage to the state? But Q. Catulus, a man of an illustrious character, a great lover of his coun-

try, and distinguished by the most eminent proofs of your regard: and Q. Hortensius, conspicuous by all the advantages of honour, fortune, virtue, and genius, differ from my opinion. These, I own, are men whose sentiments have always had great weight with you, and doubtless very deservedly: but on this occasion, though some of the best and bravest men in Rome be against me, yet setting authority aside, I think we may come at the truth by reason and inquiry; the rather, because my very adversaries agree to all I have advanced, that this war is necessary and important; and that all the great qualities requisite for conducting it are to be found in Pompey. What then is the argument of Hortensius? If all important affairs are to pass through the hands of one man, Pompey is doubtless the most deserving: but it were dangerous to trust so much power with one person. This position, refuted rather by facts than by reasoning, is now become quite stale: for you, Q. Hortensius, with that masterly and commanding eloquence which is peculiar to you, spoke fully and forcibly against Aulus Gabinius, a brave tribune; both in the senate, when his law for putting the war against the pirates into the hands of one general was brought before that assembly; and from this place, when it was proposed to the consideration of the people. But tell me, in the name of all the gods! if your authority had availed more with the Roman people than the consideration of their own safety and true interest, should we at this day have been in possession of so much glory, or really enjoyed the sovereignty of the universe? for could we then be deemed to possess this sovereignty, when the ambassadors, pretors, and questors of the Roman people were liable to an ignominious captivity? when we were deprived of all communication, either public or private, with our provinces? when navigation was so totally at a stand that we could transact no business beyond

sea, whether it regarded the interest of the whole state or the properties of particular persons?

For was there ever a state—I speak not of the Athenians, who are said to have been once very powerful at sea; nor of the Carthaginians, renowned for their fleets and naval strength; nor of the Rhodians, the glory of whose maritime expeditions has reached even our days: but was there, I say, ever a state so inconsiderable, an island so small, that could not of herself defend her own ports and territory, with some part at least of the maritime coast and region? and yet, for a continued train of years before the Gabinian law, the very people of Rome, whose reputation in sea affairs has remained even to our days without stain, were not only divested of far the greatest part of their traffic, but even wounded in their dignity and naval dominion. We, whose ancestors vanquished King Antiochus and Perseus at sea, and came off victorious in all naval engagements with the Carthaginians, a nation thoroughly expert and practised in maritime affairs: we, I say, were then nowhere a match for a band of pirates. We, too, who heretofore not only guarded Italy from insults, but by the very reputation of our strength secured the quiet of our allies in all parts, however remote; insomuch that the island of Delos, distant from Rome so far as the Ægean Sea, the mart of all nations, abounding in wealth, small in circumference, unprotected by walls, had yet nothing to fear: even we, these very Romans, were then not only excluded from our provinces, the maritime parts of Italy, and our harbours on the seacoast, but durst not so much as appear on the Appian Way.* And yet at that very time, the

* The Appian Way was so called from Appius Claudius the censor, by whom it was made. It reached at first from Rome to Capua, beginning at the Porta Capena, as we learn from Frontinus; and was afterward carried on as far as Brundusium. Cicero says here that the Roman people were deprived of it, because that part of it which was next the sea was infested by the pirates.

magistrates of the Roman people were not ashamed to mount this tribunal, adorned by their ancestors with naval spoils, and the beaks of ships taken from the enemy.

The people of Rome were sensible, Q. Hortensius, that when you, and such as were in your way of thinking, delivered your sentiments on the law then proposed, you did it with an honest intention; and yet, in an affair that regarded the common safety, they were more swayed by a sense of their own sufferings, than a respect for your authority. Therefore one law, one man, one year, not only delivered us from that state of wretchedness and infamy, but effectually proved to all nations and people that we were at length become the real lords of the earth and sea. On this account I cannot forbear expressing a greater indignation at the affront offered to Gabinius, shall I say, or Pompey, or, as was really the case, to both, in refusing to let Pompey have Gabinius for his lieutenant-general, though he earnestly sought and desired it? Ought the general who demanded an agreeable lieutenant to assist him in so great a war, to have been refused; when other commanders, who marched out to plunder the provinces and pillage our allies, carried with them what lieutenant-generals they pleased? Or ought the man who proposed a law tending to secure the honour and safety of Rome and all nations, to have been excluded from sharing the glory of that general and army, whose destination was the fruit of his counsels, and effected at his personal peril? Could C. Falcidius, Q. Metellus, Q. Cælius Latiniensis, Cn. Lentulus; all whom I mention with respect, be one year tribunes of the people, and the next appointed lieutenant-generals: and shall such a vigorous opposition be formed against Gabinius alone, who in a war carried on in consequence of his law, and by an army and general of his appointment, ought doubt-

less to have the preference to all others? But I hope the consuls will bring the affair before the senate; or if they shall decline it, or raise any difficulties, I here declare that I myself will undertake the business; nor shall the contradictory decrees of any man, Romans, deter me, under your protection, from asserting your just rights and privileges; nor shall I regard any thing but the interposition of the tribunes, which I hope will not without repeated consideration be exerted on this occasion, even by those who threaten us with it. And truly in my opinion, Romans, Aulus Gabinius, the author of the maritime war, and all that was then done, is the only person proper to act as an assistant to Pompey; because the one, by your suffrages, devolved that war on the other; and he on whom it was devolved undertook and brought it to a period.

It now remains that I speak to the opinion and judgment of Q. Catulus; who, having put the question, that if in all emergencies you placed your hopes on Pompey alone, to whom could you have recourse in case of any disaster befalling him; repeated the genuine fruit of his own virtue and dignity, when with unanimous voice you called out, that in such an event he himself was the man on whom you would rest your hopes. And indeed he is a man of such a character, that no undertaking is so great or difficult which he cannot direct by his counsels, support by his integrity, and terminate by his valour. But in the point now before us, I entirely differ from him; because the more uncertain and the shorter human life is, the more it behooves the commonwealth, while the gods indulge that favour, to avail herself of the virtues and talents of a great man; but it is dangerous to allow of innovations contrary to the customs and precedents of former ages. I shall not observe here, that our ancestors in peace always adhered to custom, but during war yielded

to necessity: that they were ever ready to change their measures as new emergencies required an alteration of counsels: neither shall I take notice, that two very important wars, the Carthaginian and the Spanish, were finished by one general: that two very powerful cities, Carthage and Numantia, which threatened to check the growth of our empire, were both destroyed by the same Scipio: I shall not mention the late example of C. Marius, on whom you and your fathers thought it proper to rest your whole hopes of empire, and commit to his sole management the wars with Jugurtha, with the Teutones, and with the Cimbri. I shall only desire you to call to mind how many things contrary to custom passed in the case of this very Pompey, with the hearty concurrence of Catulus, who now so strenuously opposes the granting him any new powers.

For what could be more contrary to custom, than for a young man, without any public character, at a juncture dangerous to his country, to levy an army? He did levy one. To command it in person? He did command it. To conduct it with ability and success? He did with both. What could be more unprecedented than to commit the charge of an army and province to a mere youth, whose age fell far short of that usually required in a senator? To intrust him with the government of Sicily and Africa, and the conduct of the war in those parts. He behaved notwithstanding with singular integrity, wisdom, and courage; terminated the war in Africa with success; and brought home his army victorious. Was there ever an instance of a Roman knight honoured with a triumph? yet this sight the people of Rome not only beheld, but considered as of all others the most desirable and worthy their regard. Was it ever known, when we had two consuls of distinguished valour and renown, that a Roman knight should be sent in place of one of them, to command

in a great and formidable war? Yet he was sent; and when some at that time objected in the senate, that a private man ought not to be sent in place of a consul; L. Philippus is reported to have said, that it was his opinion he should be sent, not in place of one, but of both the consuls.* So well were all men persuaded of his capacity for the administration of public affairs, that though but a youth, he was intrusted with the functions of two consuls. What could be more extraordinary, than that the senate should for his sake dispense with the laws, and suffer him to be chosen consul, before he was of an age to exercise the lowest magistracy? What could be more incredible, than that while only a Roman knight, he should be a second time permitted to triumph by a decree of the senate? All the novelties that have happened among men, since the first memory of time, fall short of those that meet in the person of Pompey alone. And, what is still more, all these numerous honours, new and extraordinary as they are, were conferred on him by the advice of Q. Catulus, and other illustrious persons of the same dignity.

It behooves them therefore to consider, whether it may not seem unjust and presumptuous, if, after having been so warmly seconded by you in the design of promoting and honouring Pompey, they should now oppose your judgment, and the authority of the Roman people, in favour of the same person; especially as you are armed with sufficient power to support your choice against all opposition; having already, in spite of their endeavours to prevent it, singled out this man from among all your other

* The two consuls at that time were Lepidus and Catulus, men of considerable reputation both in politics and war. It could not therefore but redound much to the honour of Pompey, that in the opinion of so wise and able a senator as L. Philippus, he was to be intrusted preferably to two such consuls, with the conduct of a dangerous and difficult war.

generals to command in the war with the pirates. If you did this rashly, and without due regard to the interests of your country, they have reason to interpose their authority, and endeavour to rectify your deliberations: but if you formed a truer judgment of what was advantageous to the state; if, though opposed by them, you took the justest measures for securing the dignity of the empire, and the repose of the universe; let these rulers of the senate at length acknowledge that both they and others ought to submit to the authority of the whole body of the Roman people. But in this Asiatic war against two powerful kings, there is not only occasion for those military talents so conspicuous in Pompey, but for many other great and eminent virtues. It is difficult in Asia, Cilicia, Syria, and other nations so remote from Rome, for a general to behave in such a manner as that he shall think of nothing but war and conquest. And even where modesty and temperance hold some under restraint, yet nobody believes it, so great is the number of the greedy and rapacious. It is indeed impossible to express, Romans, how odious we are become among foreign nations, on account of the iniquities and oppressions of those whom of late years we have sent to govern them. What temple in these lands have our magistrates left unprofaned? What city have they held sacred? What house has been free from their violations? Pretences are sought to attack every wealthy and opulent place whose plunder promises to gratify the avarice of our commanders. Willingly would I debate these matters with Q. Catulus and Q. Hortensius, men of eminent worth and dignity; for they are acquainted with the sufferings of our allies, see their distresses, and hear their complaints. Is it against the enemies of Rome, and in defence of your allies, that you send an army? or are you minded under this pretence to attack your friends and confederates? Where is the state in all Asia that can

set bounds to the ambition and avarice, I will not say of a general, or his lieutenant, but of a single tribune of the army?

Supposing therefore you should have a general who may appear capable of defeating the forces of these two powerful kings in a pitched battle; yet, unless he is also one that can restrain his hands, eyes, and thoughts from the riches of our allies, from their wives and children, from the ornaments of their cities and temples, and from the gold and treasures of their palaces, he is by no means fit to command in an Asiatic and a regal war. Is any state suffered to enjoy tranquillity that is known to be rich? Or was ever any state rich which your generals permitted to remain in tranquillity? The seacoast, O Romans, demanded Pompey, not only on account of his military glory, but likewise for his known probity and moderation of mind. The Roman people observed, that the public money, from year to year, enriched only a few; and that all the advantage we gained by the empty name of a fleet was an increase of infamy from repeated losses. Are those who oppose the conferring such an extensive command on one person ignorant with what avaricious views, through what a profusion of bribery, and on what infamous conditions, our magistrates now repair to their provinces? Insomuch that Pompey appears no less great by the contrast of their vices than by the lustre of his own proper virtues. Therefore hesitate no longer to commit all to the care of a man who alone, of late years, has so far gained the confidence of your allies, that they rejoice to see him enter their cities at the head of an army. But if you think it likewise needful, Romans, that in a point so material your choice should be backed by authorities, I can name P. Servilius,* a man eminently

* This Publius Servilius was sent to the piratic war after Antony, and vanquished the enemy with great slaughter. But not content with driving them from the seas, he made himself master of Phaselis and Olym-

skilled in war and great affairs; one whose exploits by sea and land have acquired him so much reputation, that in all military deliberations no man's opinion ought to challenge greater regard. I can name C. Curio, so distinguished by your signal favours and his own great actions; so illustrious for his matchless abilities and prudence. I can name Cn. Lentulus, in whom you have always found a capacity and talents equal to the great honours you have conferred on him. In fine, I can name C. Cassius, who for integrity, probity, and firmness acknowledges no superior. Thus you see how easily, by the authority of so many great man, we can put to silence those who oppose this law.

For all these reasons, C. Manilius, I here, in the first place, declare my entire approbation of your law, your purpose, and your opinion: in the next place, I exhort you, with the assistance of the Roman people, to continue unshaken in this purpose, and to suffer no threats nor violence to daunt you. In fact, I have no reason to doubt of your courage and firmness; and as we are supported with a greater zeal and unanimity than was ever known in the like case before, what ground have we either to distrust the measure itself, or our success in the prosecution of it? For my own part, whatever talents I enjoy from nature, or have acquired by application and study: whatever influence I derive from the favours of the Roman people, and the pretorian dignity wherewith they have invested me; whatever I can effect by my authority, fidelity, and perseverance, I here promise and make it all over to you and my fellow-citizens, for the carrying of this point. I attest all the gods, particularly those who preside over this place and temple, and who see into the real designs of all concerned in the administration of public

pus, two very strong cities, the chief repositories of their plunder. He likewise subdued the Isauri in Cilicia, and thence obtained the surname of Isauricus.

affairs, that I have not undertaken this part at the solicitation of any person whatever, nor with the view of ingratiating myself with Pompey, nor to procure from any one's greatness a shelter against danger, or an increase of honour: for as to dangers, I shall always repel them by my innocence, as it becomes every virtuous man to do; and in the pursuit of honour, I shall neither trust to one man's favour, nor solicit them from this place, but endeavour to merit them by the same laborious course of life which I have hitherto followed with your approbation. Whatever therefore I have done in this cause, Romans, I here affirm was done with a view to the good of my country; and so far have I been from preferring my own private interest, that I am sensible I have drawn much hatred on myself, partly secret, partly open, which I might have avoided, and by which you may profit. But clothed with the honourable office, and indebted as I am to your favours, I consider it as my indispensable duty to prefer your determinations, the dignity of the commonwealth, and the safety of our provinces and allies, to all partial and particular views of advantage.

ORATION III.—FOR C. RABIRIUS.

ARGUMENT.

Titus Labienus, tribune of the people, impeached C. Rabirius of treason; for having thirty-six years before slain Apuleius Saturninus, who had raised a sedition in the city, and was declared by the senate an enemy to the Roman state—Hortensius and Cicero, at that time consul, undertook his defence—The cause had been already tried before the decemviri, where Rabirius being condemned, appealed to the people in their comitia by centuries—It was on this occasion that Cicero made the following speech, great part of which is lost—But the affair never came to an issue; for the senate dreading the spirit of the people on this occasion, Metellus Celer contrived to dissolve the assembly, by taking away the military ensign from the Janiculum; and Labienus not thinking fit to renew the prosecution Rabirius escaped.

Although it is not usual with me, in the beginning of my pleading to give an account of the reasons that induce me to undertake the defence of my client, because I have always considered my connexions with my fellow-citizens as a sufficient plea for interesting myself in their affairs; yet as the cause I am now engaged in regards the life, the reputation, and the whole fortunes of C. Rabirius, I think it incumbent on me to lay before you the motives of my present conduct, because the same reasons that so powerfully induced me to undertake his defence should no less forcibly urge you to acquit him: for, as ancient friendship, the merit of the man, common humanity, and my constant practice through life, jointly called on me to defend Rabirius; so the safety of the state, my duty as consul, in fine, the consulship itself, which together

with the public tranquillity has been intrusted to my care in conjunction with you, compelled me to engage zealously in his cause: for it is not any criminal imputation, any jealousy of his conduct, or blemish in his morals, nor, in short, any old, just, and weighty resentment of his fellow-citizens, that has brought Rabirius into the present danger; but the design of abolishing out of the commonwealth that sovereign preservative of our majesty and empire, which has been handed down to us from age to age by our ancestors; that the authority of the senate, the power of the consuls, and the concurrence of the honest might henceforth be of no effect against what threatened the utter ruin and subversion of the state.* Accordingly, it is with a view to overthrow all these bulwarks of the public safety that an attack is now made on the old age, weakness, and helpless condition of a single man. If therefore it be the duty of a provident consul, when he sees the main pillars of the commonwealth shaken and almost overturned, to fly to the assistance of his country, to watch over the safety and fortunes of the people, to implore the protection of his fellow-citizens, and to look on his own safety as but second to that of the state; it is no less incumbent on brave and honest citizens, such as you have approved yourselves in all the exigencies of the commonwealth, to shut up every avenue of sedition, to strengthen the defences of the state, to be persuaded that the whole executive power of the government resides in the consuls, and the whole delib-

* Cicero means here that famous decree of the senate by which, in times of public danger, the consuls were enjoined to take care that the commonwealth received no detriment. For Saturninus having raised a sedition in the city, and the senate passed the above decree, the consuls ordered the people to arm, and Rabirius, among the rest, joined them. Should he therefore have been condemned on this account, no one would afterward have dared to take up arms in consequence of that decree, which Cicero here calls the great bulwark of the state.

erative in the senate, and to judge that whoever follows these maxims is more worthy of praise and honours than pains and penalties. The task therefore of defending Rabirius falls principally to my share, but the zeal and concern for his preservation ought to be common to us both.

Your sentiments on this occasion ought to be, Romans, that within the memory of man no cause more important in itself, more dangerous in its consequences, more worthy of your attention in all its parts, was ever undertaken by a tribune of the commons, defended by a consul, or brought before an assembly of the Roman people: for the thing in question, citizens, is no less than that henceforward there be no standing council of the republic; no union of the honest against the madness and presumption of the profligate; no refuge or shelter in the extreme necessities of the commonwealth. Which being the case, first of all, as becomes me in so mighty a struggle for the safety, honour, and fortunes of every Roman, I implore the forgiveness and favour of the all-powerful and beneficent Jupiter, and of the other gods and goddesses, by whose aid and interposition, much more than by any human prudence and foresight, this government is upheld; and I request that this day may prove a day of deliverance to Rabirius, and of preservation to my country. Next, I entreat and conjure you, Romans, whose power approaches the nearest to that of the immortal gods, since at the same time the life of C. Rabirius, the most innocent and unfortunate of mankind, and the safety of the commonwealth is committed to your care and suffrages, that you will exert that compassion in behalf of the accused, and that prudence for the preservation of your country, which is wont to be so conspicuous in your assemblies. And now, T. Labienus,* since you have

* This is the same Labienus who afterward served with so much reputation under Cæsar in Gaul. He was tribune of the people the same

checked my industry by the narrowness of the time, and contracted the usual space allotted for a defence to the short compass of half an hour, I shall comply with the terms you have thought fit to prescribe; which it is highly unjust should come from an accuser, and dangerous to permit to the power of an enemy: for in this limitation of half an hour, though you have indeed left me the part of a pleader, you have taken from me that of a consul; because the time is sufficient for making my defence, but by no means for entering my complaint. Unless, perhaps, you imagine that I am to spend many words in answer to those profanations of temples and hallowed groves, wherewith you charge Rabirius. But touching this accusation you have said nothing, unless that C. Macer had objected it to him. And here I cannot but express my wonder that you should remember the spiteful reproaches of Macer, an enemy, and forget the equitable decision of the judges who were on oath.

Must I enlarge on the charge of embezzlement, and burning the register?* A charge of which C. Curtius, a near relation of Rabirius, was most honourably acquitted by an authentic judgment, in consideration of his virtue and innocence: for as to Rabirius himself, he not only was never questioned on this article, but never so much as incurred the slightest suspicion of guilt. Must I answer particularly with regard to his sister's son, whom you pretend he killed, that the necessity of attending the

year that Cicero was consul. The orator here complains that so little time was granted him by the tribune for answering the charge brought against his client; for he was confined to the short space of half an hour, whereas it was usual to allow two hours for the accusation, and three for the defence. But from this it would appear, as Manutius observes, that in cases of treason, the person who brought the impeachment had a right to prescribe the length of time allowed to the accused for making his defence.

* The place where the register and public acts were kept. When this crime therefore was objected to Rabirius, the true author was not *known: but* Q. Sosius some time after confessed himself guilty.

funeral of a relation might furnish a plea for putting off the trial? For what can be more improbable than that his sister's husband was dearer to him than his sister's son? And that too in such a degree, that the one was cruelly deprived of life, to procure a delay of the other's trial for only two days?* Am I to enlarge on the slaves detained in defiance of the Fabian law,† or the Roman citizens scourged and put to death contrary to the Porcian law? When the whole country of Apulia, with all the states bordering on Campania, testify so distinguished a regard for Rabirius, that not only particular men, but whole regions and communities, to a farther extent than the name and limits of neighbourhood require, flock together to ward off the danger that threatens him. Why should I entertain you with a long discourse, in relation to what is contained in the act of amercement,‡ that he spared neither his own chastity nor that of others? Nay, I am indeed inclined to think that Labienus has restricted me to the space of half an hour that I may not enlarge too much on the subject of chastity. With respect to those points, therefore, that require

* C. Curtius, brother-in-law to Rabirius, was accused of embezzlement. During the course of the trial his son died; on which he petitioned for a respite of judgment, that he might have time to attend the funeral of his son. But such was the violence of the times, and the malice of Rabirius's prosecutors, that they pretended he had murdered his nephew, with no other view than to procure a short delay for his brother-in-law. But as Cicero very well observes here, it was not likely he would incur so much guilt only to gain two days; nor could it be supposed his sister's husband was dearer to him than his sister's son.

† The Fabian law provided that no person, against the will and without the knowledge of the master, should conceal the slave of another man, or put him in irons, or artfully entice him away. The Porcian law was enacted by M. Porcius Cato, tribune of the people in the consulship of Valerius and Apuleius. By it no magistrate was permitted to beat a Roman citizen with rods, or put him to death; whereas it had been the practice before to strip the party quite naked, thrust his neck between the two prongs of a fork, and scourge him to death.

‡ The method of proceeding in cases of amercement was this: the magistrate summoned the party to appear before the people on a certain day; he then accused him three times; and afterward petitioned the people to confiscate a certain part of his estate.

the exactness of a pleader, he thought this half-hour rather too long; but as to that other part of the charge which concerns the death of Saturninus, and which demands not so much the genius of an orator, as the authority and protection of a consul, he designed the half-hour as too short and confined: for as to the forms of proceeding against treason, which I am reproached with having abolished, that accusation lies against me, and not against Rabirius.* And, indeed, I heartily wish, Romans, that I had been either the first or the only one who abolished this out of the commonwealth; and that I could claim as my sole and peculiar glory what he thinks proper to charge me with as a crime; for what is there I should rather desire, than during my consulship to have banished an executioner from the forum, and removed a cross out of the field of Mars? But the merit of this belongs in the first place to our ancestors, who, on the expulsion of the kings, would suffer no traces of royal cruelty to remain among a free people: and in the next, to the wise counsels of many brave citizens, whose aim was, not to infest public liberty by the terror of severe punishments, but to secure it by the discipline of mild and wholesome laws.

Which, then, Labienus, is the more popular man of the two? You, who in an assembly of the Roman people awe citizens with the terror of an executioner and chains—who in the Campus Martius, on a consecrated spot, and during the comitia by centuries, order a cross to be erected for the punishment of Roman citizens? Or I, who will not suffer an assembly to be polluted by the presence of an executioner? Who order the Roman forum to be

* In what respect could Cicero be charged with having abolished the usual forms of proceeding in cases of treason? Not by any law that he had procured to be enacted, but by prevailing to have Rabirius tried in the comitia by centuries, and exercising his eloquence and interest to get the sentence of the duumviri reversed.

cleared of all traces of so impious a profanation? Who contend for the purity of our assemblies, the sanctity of the field of Mars, that the bodies of Roman citizens remain inviolate, and their liberties be preserved from infringement? A tribune is chosen to be the protector of the people, the guardian and defender of their rights and liberties. The Porcian law forbids stripes to be inflicted on the bodies of Roman citizens: this merciful tribune restores the use of the scourge. The Porcian law rescued citizens from the hands of the lictors: the popular Labienus delivers them over to the executioner. Caius Gracchus passed a law that no Roman should be capitally tried without your concurrence: this guardian of the people's rights compelled the duumviri,* not only to try capitally, but to condemn unheard a Roman citizen, without applying for your consent. Dare you, after this, mention to me the Porcian law, the name of Caius Gracchus, the liberty of your fellow-citizens, or the example of any eminent patriot? You, I say, who not only by unprecedented punishments, but by expressions of unusual barbarity, have attempted to violate the liberties of this people, the mildness of their laws, and the established constitutions of their government. "Go, lictor, bind his hands," are the words that delight your popular and compassionate ear—words not only repugnant to liberty and the clemency of the present administration, but such as were not known even to Romulus or Numa Pompilius, and suit only the imperious times of Tarquin, the haughtiest and most merciless of tyrants: yet these, like a mild and popular magistrate, you repeat with rapture. "Cover his head, nail him to the accursed tree"†—words, Ro-

* The duumviri were first created by Tullus Hostilius, fourth king of Rome, on occasion of Horatius murdering his sister; but with the liberty of appealing to the people. Rabirius's cause had been first tried at this tribunal.

† The form of this dreadful law was as follows: "Let the duumviri judge in matters of treason: if an appeal shall be made to the people, let

mans, that in this state have not only been long ago buried under the ruins of antiquity, but even dissipated by the rays of liberty.

Had this proceeding been popular, had it been in any respect consistent with equity and justice, Caius Gracchus would never have abolished it. Could the death of an uncle grieve you more than that of a brother did Caius Gracchus? Were you more afflicted for the loss of an uncle you never saw, than he for the loss of a brother with whom he lived in the strictest union? Will you revenge the death of sueh a man as your uncle, as he would have done that of his brother, had he been disposed to act on your principles? Was that uncle of yours, Labienus, whoever we suppose him to be, equally dear to and regretted by the Roman people as was Tiberius Gracchus? Do you pretend to vie with Caius Gracchus in piety? in courage? in prudence? in interest? in authority? in eloquence?—qualities which, even supposing them to have been but moderate in him, yet compared with yours must appear eminent. But in all these respects Caius Gracchus was the first man of his age; at how vast a distance ought you to place yourself behind him! And yet Gracchus would sooner a thousand times have died the cruellest of deaths, than suffered an executioner to be present in an assembly where he presided: one so odious to this state, that the laws of the censors have not only banished him the forum, but adjudged him unworthy of the common benefits of light, air, and the shelter of a roof within the city. Dare he assume the name of a popular magistrate, or brand me as an enemy to your interests, when he is searching for the most rigorous precedents of punishing and passing sentence, not in the records of the present or former age, but in the remote annals of an-

the cause be tried again before them: if the party shall be cast, let his head be bound up: let him be hanged on the fatal tree; but first let him be whipped either within or without the Pomerium."

tiquity, and the distant registers of our kings; while I employ all my interest and abilities, all my words and actions, to oppose and resist the encroachments of cruelty? Unless perhaps you are disposed to choose a lot which slaves themselves could never be brought to endure, unless supported by the prospect of liberty. Wretched is the ignominy of public trials, wretched the confiscation of estate, wretched the punishment of exile; yet in that whole train of suffering some footsteps of liberty still remain. Nay, where death itself is proposed as a punishment, we are at least permitted to die free. But an executioner, the muffling up of the head, the dreadful name of the cross—may all these not only never reach the body, but be strangers to the thoughts, eyes, and ears of Roman citizens: for to say nothing of the presence and feeling of these calamities, the dread, the expectation—in fine, the very mention of them, is unworthy a Roman citizen, and a man nursed in the bosom of liberty. Shall the humanity of a master, by one manumitting blow, deliver our slaves from the terror of all these punishments?*—and shall neither our great actions, a life spent in the service of our country, nor the honours to which we have been promoted, exempt us from the scourge, from the axe, or from the infamy of the cross? I therefore confess, proclaim, and publicly avow, Labienus, that you were defeated in that cruel, malicious, and not popular, but tyrannical, purpose, by my authority, credit, and firmness.

* This alludes to the ceremony of manumission, which was thus performed. The slave was brought before the consul, and in after-times before the pretor, by his master, who, laying his hand on his servant's head, said to the pretor, "It is my pleasure to free this man, and to send him from under my hands." Then the pretor, laying a rod on his head, called *vindicta*, said, "I declare this man free according to ancient custom among us." After this the lictor, taking the rod out of the pretor's hand, struck the servant several blows on the head, face, and back; and nothing now remained but to receive a cap in token of liberty, and to have his name entered in the common roll of freemen, with the reason of his obtaining that favour.

But though in this proceeding you ran counter to all the precedents of former times, all the established laws of the state, the standing authority of the senate, the awful ceremonies of religion, and the sacred constitutions of the augurs—yet shall you hear nothing from me on this head, because of the short time to which I am restricted. These points may be resumed at a more convenient season. At present I shall confine myself to the crime of Saturninus, and the death of your most illustrious uncle.

You accuse C. Rabirius of having slain L. Saturninus; and C. Rabirius, by the testimony of many witnesses, and the copious defence of Hortensius, has already proved that charge to be false. For my part, were I to choose in this matter, I would own, take with, and avow the crime. Would to Heaven I was at liberty to confess that L. Saturninus, the enemy of the Roman people, was killed by the hand of C. Rabirius! [*a noise.*] That clamour* disturbs me not, but rather furnishes matter of consolation, as it appears to be no more than the faint effort of a small part of the assembly. The body of the Roman people, who are silent, would never have made me consul had they thought me capable of being disturbed by so feeble an insult. How the noise sinks! Drop these vain efforts, which serve only to betray your folly and the inferiority of your numbers. I repeat it again: could I do it consistently with truth, or were I at liberty to make such a declaration, I would gladly confess that L. Saturninus was killed by the hand of C. Rabirius; nay, I would even proclaim and boast of it as an action that merited rewards. But as there is no room for this, I will confess what indeed redounds less to his glory, but does not less answer the purpose of your accusation. I

* The clamour raised on this occasion demonstrates that the people were in some measure offended with Cicero for calling Saturninus the enemy of the Roman people.

confess that C. Rabirius took up arms with intent to kill Saturninus. What ampler confession would you have, Labienus? What heavier charge against Rabirius? Unless perhaps you think there is a difference between killing a man, and taking up arms with intent to kill him. If it was a crime to kill Saturninus, it could not but be criminal to take up arms against him; but if you allow the lawfulness of taking up arms, you must also allow that it was lawful to kill him.

A decree passed in the senate* that the consuls C. Marius and L. Valerius should require the assistance of such of the tribunes of the people and pretors as they thought proper, and take care that the empire and majesty of the people of Rome were preserved inviolate. They called to their aid all the tribunes except Saturninus, all the pretors except Glaucia; and published an edict, that every citizen who wished well to his country should take up arms and follow them. All obey the summons, arms are distributed to the people from the public magazines and arsenals, by order of C. Marius the consul. And here, not to mention other particulars, let me put the question to you, Labienus; when on one side Saturninus had seized the capitol with an armed force, and was joined by C. Glaucia, C. Sauseius, and that Gracchus,† who had been drawn from irons and

* The decree here mentioned was that famous one, by which the consuls were enjoined to take care that the commonwealth received no detriment. This never passed but in times of imminent danger, and was understood to invest the consuls with absolute authority. Cicero, therefore, by observing that Rabirius took up arms in consequence of this decree, justifies him from the charge of treason; as it thence appeared that he acted in obedience to a lawful authority. The tribunes used their utmost endeavours to divest the senate of this power, as it was frequently employed to check their own ambitious designs; but as their succeeding in the attempt would have drawn after it the ruin of the public liberty, they never failed of being vigorously opposed by all the true lovers of their country.

† This was one L. Equitius, who pretended to be the son of Tiberius Gracchus, whose memory was so dear to the people of Rome that they actually raised this impostor to the tribuneship. He was driven along

a jail; I will add, since you will have it so, Q. Labienus, your uncle: and on the other appeared in the forum C. Marius and L. Valerius Flaccus, the consuls; behind them the whole body of the senate—that senate you were wont so much to extol, the better to detract from the authority of the present senate, which you endeavour to render odious: when the equestrian order too, the same that flourished in the time of our fathers, an age that allowed them so large a share in the administration of affairs, and devolved on them the whole weight of public judgments: immortal gods, what a body of Roman knights! in fine, when men of all ranks, who considered their own safety as connected with that of the state, had taken up arms—what was C. Rabirius in such a case to do? Tell me, then, I say, Labienus; when the consuls, in consequence of a decree of the senate, had ordered the people to arms; when M. Æmilius,* prince of the senate, appeared armed in the place of assembly, and though scarce able to walk, much less to pursue, yet thought his gouty feet would at least hinder his flying; when Q. Scævola, spent with age, diseased, lame, feeble, and crippled in all his limbs, leaning on a spear, discovered at once the firmness of his soul, and the weakness of his body; when L. Metellus, Ser. Galba, C. Serranus, P. Rutilius, C. Fimbria, Q. Catulus, and all the consular senators of that time, took up arms for the common safety; when all the pretors, all the nobility, and the whole youth of the city ran to

with Saturninus into the capitol; but, as we learn from Appian, was not killed there.

* M. Æmilius Scaurus was by birth a patrician, but of a family which poverty had reduced very much. He raised himself to the first honours of the state by his eloquence and personal merit. Cicero makes frequent mention of him in his writings, and celebrates particularly his steadiness and solid judgment. When he saw a sedition raised in the city by Saturninus, he exhorted Marius, then consul for the sixth time, to undertake the cause of the commonwealth; and though in an extreme old age, appeared armed, and leaning on his spear, before the door of the senate-house.

join them, Cn. and L. Domitius, L. Crassus, Q. Mucius, C. Claudius, M. Drusus; when all the Octavii, Metelli, Julii, Cassii, Catos, Pompeys; when L. Philippus, L. Scipio, M. Lepidus, D. Brutus, and P. Servilius himself, the general under whom you, Labienus, first began the trade of war; when Q. Catulus, who was then but very young; when C. Curio; in short, when all the most eminent of the city flocked to the consuls—what, I say, did it then become C. Rabirius to do? Was he to lurk and shut himself up in private, covering his cowardice with darkness and behind walls; or repair to the capitol, and there associate himself with your uncle and his followers, whom the infamy of their lives drove to seek shelter in death; or join Marius, Scaurus, Catulus, Metellus, Scævola—in short, all the honest party, sharing with them not only in the means of preservation, but also in the hazard of resistance?

And here let me ask you, Labienus, how would you have behaved at such a time, and in such a juncture? When a motive of cowardice prompted you to skulk and fly; when the profligate fury of Saturninus invited you to the capitol; when, in fine, the consuls called you to arm in defence of liberty and your country; whose authority, whose voice, whose party, whose command would have then weighed most with you? My uncle, you will say, was with Saturninus. Right; but with whom was your father? Your friends, too, the Roman knights, the whole prefecture, the neighbouring regions, with all the country of Picenum? did they follow the fury of the tribune, or the authority of the consul? This I will venture to affirm, that no man ever yet confessed of himself what you scruple not to own publicly of your uncle. No one, I say, has been found so profligate, so lost to all sense of shame, so destitute, not only of all honesty, but even of the appearance of honesty, as to confess his having been

in the capitol with Saturninus. But your uncle was. It is allowed; and that too without any constraint from domestic misfortunes, or the desperate state of his affairs. We shall allow that his regard for Saturninus induced him to prefer friendship to the love of his country. But was Rabirius therefore to abandon the commonwealth? to refuse appearing in arms with the honest party? to disobey the call and command of the consul? It is evident he had only one of three things to choose; either to join Saturninus, associate with the honest party, or keep himself concealed. But to lie concealed was worse than the vilest death; to join Saturninus would have been the height of impiety and madness; virtue, honour, and a regard for his country constrained him to follow the party of the consuls. And do you then object it to Rabirius as a crime, that he sided with those whom it would have been the utmost madness to oppose, and in the highest degree infamous to abandon?

But C. Decianus, whom you so often mention, was condemned for presuming to complain of the death of Saturninus in an assembly of the Roman people; though at that very time, with the highest satisfaction to all good men, he was accusing P. Furius, a man branded with every mark of infamy: and Sextus Titius, for having a picture of him in his house, met with the same fate. The Roman knights by that judgment declared that he was a bad citizen, and unworthy of the title, who honoured the memory of a seditious and rebellious tribune by having his picture, or endeavoured to raise the pity and regret of the thoughtless multitude, or discovered an inclination to imitate so profligate an example. I cannot therefore but wonder, Labienus, where you have procured that picture; for after the condemnation of Sextus Titius, no man dared to have one of them in his possession. But if you had ever heard of his

fate, or been old enough to know the merits of that cause, you would never sure have produced in the rostra, and before an assembly of the Roman people, a picture that proved so fatal to Sextus Titius; nor hazarded yourself among those rocks where he perished, and where C. Decianus suffered a shipwreck of all his fortunes. But in all this you err through imprudence, having undertaken a cause too old for your memory, and that was dead before you were born; a cause which, though you now arraign, you would doubtless have embraced yourself had you been old enough. Have you considered, in the first place, how many great and illustrious citizens you accuse after their death of the most consummate wickedness? Have you reflected on the number of those now living whom by this accusation you bring into capital danger? for if C. Rabirius has incurred the guilt of treason, by taking up arms against L. Saturninus, his tender age at that time will yet in some measure plead his excuse: but how shall we be able to defend the memory of Q. Catulus, the father of him now present, a man of consummate wisdom, distinguished virtue, and singular humanity; how that of the grave, judicious, and prudent M. Scaurus; of the two Mucii, L. Crassus, and M. Antony, who then lay encamped without the city; men of the first reputation in this state for genius and abilities; and of many others of equal merit and dignity, the guardians and protectors of this commonwealth? What shall we say of those honourable and worthy Roman knights who jointly with the senate stood up for the common safety? what of the questors, tribunes, and citizens of all ranks who took up arms for the public liberty?

But why do I speak of those who obeyed the order of the consuls? What will become of the reputation of the consuls themselves? Shall we brand with the imputation of a monstrous wickedness and parricide the name and memory of L. Flaccus, who in

the service of his country, in the exercise of public offices, in the priesthood, and in the ceremonies of religion over which he presided, always approved himself the most indefatigable of men? Shall we stain likewise the reputation of the deceased Marius with the same ignominious reproach? Shall we, I say, brand with the imputation of a monstrous villany and parricide the memory of C. Marius, whom we may truly style the father of his country, and the parent of your liberty and this commonwealth? for if C. Rabirius, for taking up arms, was by Labienus deemed worthy of being nailed to a cross in the field of Mars, what suitable punishment can be devised for those who commanded him to take up arms? And if the public faith was plighted to Saturninus,* as you frequently affirm; it was plighted, not by C. Rabirius, but by C. Marius; and to him the violation must be ascribed, if any such can be made appear. But how, Labienus, could the public faith be plighted without a decree of the senate? Are you so much a stranger to this city, so unacquainted with our laws and customs, as to be ignorant of the common practice in this respect? Sure one would take you for a sojourner in some foreign state, not a person bearing a magistracy in your own. "But what harm," says he, "can these reproaches do to C. Marius, who now ceases to live, and is no more?" And is this in reality your way of thinking? Would C. Marius have lived in perpetual toils and dangers, if he had conceived no hopes concerning himself and his glory, beyond the limits of this life? When he defeated those innumerable enemies in Italy, and saved the republic, did he imagine that every thing which

* Saturninus having retired to the capitol, Marius invested it, and the sooner to compel him to a surrender, ordered the pipes that supplied it with water to be cut. This in a short time obliged him to think of submitting to the consuls, who promised to protect him from violence, and procure him a fair trial. He was for this purpose confined in the senate-house; but the people, forcibly breaking in, massacred him with all his associates.

related to him would die with him? No; it is not so, citizens; there is not one of us who exerts himself with praise and virtue in the dangers of the republic but is induced to it by the expectation of futurity. As the minds of men therefore seem to be divine and immortal for many other reasons, so especially for this, that in all the best and the wisest there is so strong a sense of something hereafter, that they seem to relish nothing but what is eternal. I appeal then to the souls of C. Marius, and of all those wise and worthy citizens who, from this life of man, are translated to the honours and sanctity of the gods; I call them, I say, to witness, that I think myself bound to fight for their fame, glory, and memory, with as much zeal as for the altars and temples of my country; and if it were necessary to take arms in defence of their praise, I should take them as strenuously as they themselves did for the defence of our common safety: for nature has circumscribed life within narrow limits, but proposes to us a boundless race of glory.

If then we honour those who have lived before us, we leave a just claim to be honoured in our turn by posterity. But if, Labienus, you are unconcerned about those whom we can now behold no more; ought you not at least to show some regard to those who are present before our eyes? I will venture to affirm, that of all those in this assembly who were at Rome on the day which you impeach, and of an age to bear a part in the transactions of it, there is not a man who did not take up arms, and follow the party of the consuls. Yet all these, whose number you may compute from their ages, are capitally impeached by you in the person of C. Rabirius, for what they did that day. But Rabirius gave Saturninus the mortal blow. I wish he had: I should then be soliciting a reward, not an exemption from punishment; for if Scæva, the slave of Q. Croto, was

rewarded with freedom for having killed Saturninus, what recompense might not a Roman knight expect? And if C. Marius, for ordering the pipes to be cut that supplied the temple of the great Jupiter with water, because the capitol was in the hands of profligate citizens * * * * * * [The rest of this oration is lost.]

ORATION IV.—FIRST AGAINST CATILINE.

ARGUMENT.

L. Sergius Catiline was of patrician extraction, and had sided with Sylla during the civil wars between him and Marius—On the expiration of his pretorship, he was sent to the government of Africa; and, after his return, was accused of mal-administration by P. Clodius, under the consulship of M. Æmilius Lepidus and L. Volcatius Tullus—It is commonly believed that the design of the conspiracy was formed about this time, three years before the oration Cicero here pronounces against it—Catiline, after his return from Africa, had sued for the consulship, but was rejected—The two following years he likewise stood candidate, but still met with the same fate—It appears that he made a fourth attempt under the consulship of Cicero, who made use of all his credit and authority to exclude him, in which he succeeded to his wish—After the picture Sallust has drawn of Catiline, it were needless to attempt his character here; besides that the four following orations will make the reader sufficiently acquainted with it—This first speech was pronounced in the senate, convened in the temple of Jupiter Stator, on the 8th of November, A. U. C. 609, and forty-fourth of Cicero's age—The occasion of it was as follows: Catiline and the other conspirators had met together in the house of one Marcus Lecca; where it was resolved that a general insurrection should be raised through Italy, the different parts of which were assigned to different leaders; that Catiline should put himself at the head of the troops in Etruria; that Rome should be fired in many places at once, and a massacre begun at the same time of the whole senate and all their enemies, of whom none were to be spared except the sons of Pompey, who were to be kept as hostages of their peace and reconciliation with their father; that in the consternation of the fire and massacre, Catiline should be ready with his Tuscan army to take the benefit of the public confusion, and make himself master of the city; where Lentulus, in the mean while, as first in dignity, was to preside in their general councils; Cassius to manage the affair of firing it; Cethegus to direct the massacre—But the vigilance of Cicero being the chief obstacle to all their hopes, Catiline was very desirous to see him taken off before he left Rome; on which two knights of the company undertook to kill him the next morning in his bed, in an early visit on pretence of business—They were both of his acquaintance, and used to frequent his house; and knowing his custom of giving free access to all, made no doubt of being readily admitted, as C. Cornelius, one of the two, afterward confessed—The meeting was no sooner over, than Cicero had information of all that passed

in it; for by the intrigues of a woman named Fulvia he had gained over Curius her gallant, one of the conspirators of senatorian rank, to send him a punctual account of all their deliberations—He presently imparted his intelligence to some of the chiefs of the city, who were assembled that evening, as usual, at his house, informing them not only of the design, but naming the men who were to execute it, and the very hour when they would be at his gate: all which fell out exactly as he foretold: for the two knights came before break of day, but had the mortification to find the house well guarded, and all admittance refused to them—Next day Cicero summoned the senate to the temple of Jupiter in the capitol, where it was not usually held but in times of public alarm—There had been several debates before this on the same subject of Catiline's treasons, and his design of killing the consul; and a decree had passed, on the motion of Cicero, to offer a public reward to the first discoverer of the plot; if a slave, his liberty, and eight hundred pounds; if a citizen, his pardon, and sixteen hundred—Yet Catiline, by a profound dissimulation, and the constant professions of his innocence, still deceived many of all ranks; representing the whole as the fiction of his enemy Cicero, and offering to give security for his behaviour, and to deliver himself to the custody of any whom the senate would name; of M. Lepidus, of the pretor Metellus, or of Cicero himself: but none of them would receive him; and Cicero plainly told him that he should never think himself safe in the same house, when he was in danger by living in the same city with him—Yet he still kept on the mask, and had the confidence to come to this very meeting in the capitol; which so shocked the whole assembly, that none even of his acquaintance durst venture to salute him; and the consular senators quitted that part of the house in which he sat, and left the whole bench clear to him—Cicero was so provoked by his impudence, that instead of entering on any business, as he designed, addressing himself directly to Catiline, he broke out into the present most severe invective against him; and, with all the fire and force of an incensed eloquence, laid open the whole course of his villanies, and the notoriety of his treasons.

How far, O Catiline, wilt thou abuse our patience? How long shall thy frantic rage baffle the efforts of justice? To what height meanest thou to carry thy daring insolence? Art thou nothing daunted by the nocturnal watch posted to secure the Palatium?* nothing by the city guards? nothing by the consternation of the people? nothing by the union of all the

* The Romans had no standing army at this time, nor any regular guards within the city: but on the discovery of this conspiracy, they had placed a strong garrison in the Palatium, which was the highest hill in Rome, and served as a citadel. At the same time they ordered several parties to patrol through the streets, under the command of the ediles, and other inferior magistrates, to prevent the conspirators setting fire to the city in the night.

wise and worthy citizens? nothing by the senate's assembling in this place of strength? nothing by the looks and countenances of all here present? Seest thou not that all thy designs are brought to light? that the senators are thoroughly apprized of thy conspiracy? that they are acquainted with thy last night's practices; with the practices of the night before; with the place of meeting, the company summoned together, and the measures concerted? Alas for our degeneracy! alas for the depravity of the times! the senate is apprized of all this, the consul beholds it; yet the traitor lives. Lives, did I say! he even comes into the senate; he shares in the public deliberations; he marks us out with his eye for destruction. While we, bold in our country's cause, think we have sufficiently discharged our duty to the state, if we can but escape his rage and deadly darts. Long since, O Catiline, ought the consul to have ordered thee for execution; and pointed on thy own head that ruin thou hast been long meditating against us all. Could that illustrious citizen Publius Scipio, sovereign pontiff, but invested with no public magistracy, kill Tiberius Gracchus for raising some slight commotions in the commonwealth; and shall we consuls suffer Catiline to live, who aims at laying waste the world with fire and sword? I omit, as too remote, the example of Q. Servilius Ahala, who with his own hand slew Spurius Melius for plotting a revolution in the state.* Such, such was the virtue of this republic in former times, that her brave sons punished more severely a factious citizen than the

* When the city of Rome was afflicted with a great famine, Sp. Melius, a Roman knight, the richest man in the city, bought up great quantities of corn throughout all Tuscany, and freely distributed it among the poorer citizens. This gained their affection, and encouraged Melius to aspire to the sovereign power. T. Quintius Cincinnatus, being named dictator by the senate, to crush Melius, sent his general of the horse, Q. Servilius Ahala, to summon him to appear at his tribunal, to answer the accusations brought against him. Melius refusing to come, and calling the mob to his assistance, Servilius ran him through the body, and thus stopped his ambitious designs. This happened A. U. C. 314.

most inveterate public enemy. We have a weighty and vigorous decree of the senate against you, Catiline: the commonwealth wants not wisdom, nor this house authority: but we, the consuls, I speak it openly, are wanting in our duty.*

A decree once passed in the senate, enjoining the consul L. Opimius to take care that the commonwealth received no detriment. The very same day Caius Gracchus was killed for some slight suspicions of treason, though descended of a father, grandfather, and ancestors all eminent for their services to the state. Marcus Fulvius too† a man of consular dignity, with his children, underwent the same fate. By a like decree of the senate, the care of the commonwealth was committed to the consuls C. Marius and L. Valerius. Was a single day permitted to pass before L. Saturninus, tribune of the people, and C. Servilius the pretor,‡ satisfied by their death

* The Roman consuls had a very small share of the executive authority in their hands: they were obliged on every occasion to lay the affair before the senate, whose orders they were obliged to execute. But in extraordinary cases the senate made an act that the consuls should take care that the commonwealth received no detriment: by which words they gave absolute power to the consuls to raise armies, and do whatever they thought proper for the public interest, without having recourse to the senate's advice. By this they were in effect created dictators; so that Cicero had at this time sufficient power to seize Catiline and his accomplices, and try them without calling a senate; but he chose not to exert his authority, to avoid the odium which might be cast on him, and for other reasons, laid down in the sequel of this oration.

† This man, though formerly a consul, joined with Caius Gracchus in his attempt to divide the lands, and was named one of the three commissioners for that purpose. They went on for some time carrying every thing before them in the assemblies of the people, in spite of the senate, and all the nobility: but one of the consul's lictors being killed by some of the attendants of Gracchus, the senate gave Opimius full power to do as he thought best for the good of the state. The consul commanded all the nobility, with their clients, to appear in arms next morning in the forum, from whence he marched at their head to attack Gracchus and Fulvius, who had assembled several thousands of the lower rank on the Aventine mount. The affair came to blows, and Gracchus, Fulvius, and his sons were slain, with 3000 of their followers, A. U. C. 631.

‡ These two, having killed a senator in a tumult, were declared enemies by the senate, who commanded Marius to bring them to justice. The consul, armed with dictatorial power, attacked them in the capitol, and obliged them to surrender, with all their followers; after which

the justice of their country? But we, for these twenty days, have suffered the authority of the senate to languish in our hands: for we too have a like decree, but it rests among our records like a sword in the scabbard; a decree, O Catiline, by which you ought to have suffered immediate death. Yet still you live; nay more, you live, not to lay aside, but to harden yourself in your audacious guilt. I could wish, conscript fathers, to be merciful; I could wish, too, not to appear remiss when my country is threatened with danger: but I now begin to reproach myself with negligence and want of courage. A camp is formed in Italy, on the very borders of Etruria, against the commonwealth. The enemy increase daily in number. At the same time we behold their general and leader within our walls; nay, in the senate house itself, plotting daily some intestine mischief against the state. Should I order you, Catiline, to be instantly seized and put to death, I have reason to believe good men would rather reproach me with slowness than cruelty: but at present certain reasons restrain me from this step, which indeed ought to have been taken long ago. Thou shalt then suffer death, when not a man is to be found, so wicked, so desperate, so like thyself, as not to own it was done justly. As long as there is one who dares to defend thee, thou shalt live; and live so as thou now dost, surrounded by the numerous and powerful guards which I have placed about thee, so as not to suffer thee to stir a foot against the republic; while the eyes and ears of many shall watch thee, as they have hitherto done, when thou little thoughtest of it.

But what is it, Catiline, thou canst now have in view, if neither the obscurity of night can conceal they traitorous assemblies, nor the walls of a

they were stoned to death by the mob, before they were brought to trial, A. U. C. 634.

private house prevent the voice of thy treason from reaching our ears? If all thy projects are discovered, and burst into public view? Quit then your detestable purpose, and think no more of massacres and conflagrations. You are beset on all hands; your most secret counsels are as clear as noon-day, as you may easily gather from the detail I am now to give you. You may remember that, on the nineteenth of October last, I said publicly in the senate, that before the twenty-fifth of the same month C. Manlius, the confederate and creature of your guilt, would appear in arms. Was I deceived, Catiline; I say not as to this enormous, this detestable, this improbable attempt; but, which is still more surprising, as to the very day on which it happened? I said likewise, in the senate, that you had fixed the twenty-sixth of the same month for the massacre of our nobles; which induced many citizens of the first rank to retire from Rome, not so much on account of their own preservation, as with a view to baffle your designs. Can you deny, that on that very same day you were so beset by my vigilance, and the guards I placed about you, that you found it impossible to attempt any thing against the state; though you had given out, after the departure of the rest, that you would nevertheless content yourself with the blood of those who remained? Nay, when on the first of November you confidently hoped to surprise Præneste by night, did not you find that colony secured by my order, and the guards, officers, and garrison I had appointed? There is nothing you either think, contrive, or attempt, but what I both hear, see, and plainly understand.

Call to mind only, in conjunction with me, the transactions of last night: you will soon perceive that I am much more active in watching over the preservation, than you in plotting the destruction, of the state. I say, then, and say it openly, that last

night you went to the house of M. Lecca, in the street called the Gladiators; that you were met there by numbers of your associates in guilt and madness. Dare you deny this? Why are you silent? If you disown the charge, I will prove it; for I see some in this very assembly who were of your confederacy. Immortal gods! what country do we inhabit? what city do we belong to? what government do we live under? Here, here, conscript fathers, within these walls, and in this assembly, the most awful and venerable on earth, there are men who meditate my ruin and yours, the destruction of this city, and consequently of the world itself. Myself, your consul, behold these men, and ask their opinions on public affairs; and instead of dooming them to immediate execution, do not so much as wound them with my tongue. You went then that night, Catiline, to the house of Lecca; you cantoned out all Italy; you appointed the place to which every one was to repair; you singled out those who were to be left at Rome, and those who were to accompany you in person; you marked out the parts of the city destined to conflagration; you declared your purpose of leaving it soon, and said you only waited a little to see me taken off. Two Roman knights undertook to ease you of that care, and assassinate me the same night in bed before daybreak. Scarce was your assembly dismissed, when I was informed of all this; I ordered an additional guard to attend, to secure my house from assault; I refused admittance to those whom you sent to compliment me in the morning; and declared to many worthy persons beforehand who they were, and at what time I expected them.

Since, then, Catiline, such is the state of your affairs, finish what you have begun; quit the city; the gates are open; nobody opposes your retreat. The troops in Manlius's camp long to put themselves under your command. Carry with you all your

confederates; if not all, at least as many as possible. Purge the city. It will take greatly from my fears to be divided from you by a wall. You cannot pretend to stay any longer with us: I will not bear, will not suffer, will not allow of it. Great thanks are due to the immortal gods, and chiefly to thee, Jupiter Stator, the ancient protector of this city, for having already so often preserved us from this dangerous, this destructive, this pestilent scourge of his country. The supreme safety of the commonwealth ought not to be again and again exposed to danger for the sake of a single man. While I was only consul-elect, Catiline, I contented myself with guarding against your many plots, not by a public guard, but by my private vigilance. When, at the last election of consuls, you had resolved to assassinate me, and your competitors, in the field of Mars, I defeated your wicked purpose by the aid of my friends without disturbing the public peace. In a word as often as you attempted my life, I singly opposed your fury, though I well saw that my death would necessarily be attended with many signal calamities to the state: but now you openly strike at the very being of the republic. The temples of the immortal gods, the mansions of Rome, the lives of her citizens, and all the provinces of Italy are doomed to slaughter and devastation. Since, therefore, I dare not pursue that course which is most agreeable to ancient discipline and the genius of the commonwealth, I will follow another, less severe indeed as to the criminal, but more useful in its consequences to the public: for should I order you to be immediately put to death, the commonwealth would still harbour in its bosom the other conspirators; but by driving you from the city, I shall clear Rome at once of the whole baneful tribe of your accomplices. How, Catiline? Do you hesitate to do at my command what you were so lately about to do of your own accord? The consul orders a public enemy to

depart the city. You ask whether this be a real banishment? I say not expressly so: but were I to advise in the case, it is the best course you can take.

For what is there, Catiline, that can now give you pleasure in this city? wherein, if we except the profligate crew of your accomplices, there is not a man but dreads and abhors you. Is there a domestic stain from which your character is exempted? Have you not rendered yourself infamous by every vice that can brand private life? What scenes of lust have not your eyes beheld; what guilt has not stained your hands; what pollution has not defiled your whole body? What youth, entangled by thee in the allurements of debauchery, hast thou not prompted by arms to deeds of violence, or seduced by incentives into the snares of sensuality? And lately, when by procuring the death of your former wife you had made room in your house for another, did you not add to the enormity of that crime by a new and unparalleled measure of guilt? But I pass over this, and choose to let it remain in silence, that the memory of so monstrous a piece of wickedness, or at least of its having been committed with impunity, may not descend to posterity. I pass over, too, the entire ruin of your fortunes, which you are sensible must befall you the very next month; and shall proceed to the mention of such particulars as regard not the infamy of your private character, nor the distresses and turpitude of your domestic life, but such as concern the very being of the republic, and the lives and safety of us all. Can the light of life, or the air you breathe, be grateful to you, Catiline, when you are conscious there is not a man here present but knows that on the last of December, in the consulship of Lepidus and Tullus, you appeared in the Comitium with a dagger?* that you had got together a band

* In the consulship of M. Æmilius Lepidus and L. Volcatius Tullus,

of ruffians, to assassinate the consuls and the most considerable men in Rome? and that this execrable and frantic design was defeated, not by any awe or remorse in you, but by the prevailing good fortune of the people of Rome. But I pass over those things, as being already well known: there are others of a later date. How many attempts have you made on my life since I was nominated consul, and since I entered on the actual execution of that office! How many thrusts of thine, so well aimed that they seemed unavoidable, have I parried by an artful evasion, and, as they term it, a gentle deflection of body! You attempt, you contrive, you set on foot nothing of which I have not timely information! Yet you cease not to concert and enterprise. How often has that dagger been wrested out of thy hands? How often, by some accident, has it dropped before the moment of execution! yet you cannot resolve to lay it aside. How, or with what rites you have consecrated it, is hard to say, that you think yourself obliged to lodge it in the bosom of a consul!

What are we to think of your present situation and conduct? for I will now address you, not with the detestation your actions deserve, but with a compassion to which you have no just claim. You came some time ago into the senate. Did a single

P. Autronius and P. Cornelius Sylla were elected consuls for the year ensuing; but being convicted of bribery, they were deposed, and L. Aurelius Cotta with L. Manlius Torquatus chosen in their stead. Catiline, who had been convicted of extortion on an accusation of P. Clodius, and forbid to stand candidate for the consulship, fired with indignation at the affront he had received, entered into a conspiracy with Autronius, Sylla, and several others of the nobility, to murder the consuls on the last day of December, reinstate those that had been deprived, and assume the government of the commonwealth. But Crassus, one of the conspirators, not coming to the assembly of the people that day, and Julius Cæsar, who was likewise in the plot, not thinking proper to give the signal agreed on, of letting his robe drop from his shoulder, the affair was put off to the 5th of February, when again the project failed, through the too great eagerness of Catiline, who gave the signal before all the conspirators were assembled.

person of this numerous assembly, not excepting your most intimate relations and friends, deign to salute you? If there be no instance of this kind in the memory of man, do you expect that I should imbitter with reproaches a doom confirmed by the silent detestation of all present? Were not the benches where you sit forsaken as soon as you were observed to approach them? Did not all the consular senators, whose destruction you have so often plotted, quit immediately the part of the house where you thought proper to place yourself? How are you able to bear all this treatment? For my own part, were my slaves to discover such a dread of me as your fellow-citizens express of you, I should think it necessary to abandon my own house: and do you hesitate about leaving the city? Were I even wrongfully suspected, and thereby rendered obnoxious to my countrymen, I would sooner withdraw myself from public view than be beheld with looks full of reproach and indignation. And do you, whose conscience tells you that you are the object of a universal, a just, and a long-merited hatred, delay a moment to escape from the looks and presence of a people whose eyes and senses can no longer endure you among them? Should your parents dread and hate you, and be obstinate to all your endeavours to appease them, you would doubtless withdraw somewhere from their sight. But now your country, the common parent of us all, hates and dreads you, and has long regarded you as a parricide, intent on the design of destroying her. And will you neither respect her authority, submit to her advice, nor stand in awe of her power? Thus does she reason with you, Catiline; and thus does she, in some measure, address you by her silence: not an enormity has happened these many years but has had thee for its author: not a crime has been perpetrated without thee: the murder of so many of our citizens, the oppression and plunder of our

allies, has through thee alone escaped punishment, and been exercised with unrestrained violence: thou hast found means, not only to trample on law and justice, but even to subvert and destroy them. Though this past behaviour of thine was beyond all patience, yet have I borne with it as I could: but now, to be in continual apprehension from thee alone; on every alarm to tremble at the name of Catiline: to see no designs formed against me that speak not thee for their author, is altogether insupportable. Begone, then, and rid me of my present terror; that, if just, I may avoid ruin; if groundless, I may at length cease to fear.

Should your country, as I said, address you in these terms, ought she not to find obedience, even supposing her unable to compel you to such a step? But did you not even offer to become a prisoner? Did you not say, that to avoid suspicion you would submit to be confined in the house of M. Lepidus? When he declined receiving you, you had the assurance to come to me, and request you might be secured at my house. When I likewise told you that I could never think myself safe in the same house, when I judged it even dangerous to be in the same city with you, you applied to Q. Metellus the pretor. Being repulsed here too, you went to the excellent M. Marcellus, your companion; who, no doubt, you imagined would be very watchful in confining you, very quick in discerning your secret practices, and very resolute in bringing you to justice. How justly may we pronounce him worthy of irons and a jail whose own conscience condemns him to restraint! If it be so, then, Catiline, and you cannot submit to the thought of dying here, do you hesitate to retire to some other country, and commit to flight and solitude a life so often and so justly forfeited to thy country? "But," say you, "put the question to the senate (for so you affect to talk), and if it be their pleasure that I go into banishment,

I am ready to obey." I will put no such question; it is contrary to my temper; yet will I give you an opportunity of knowing the sentiments of the senate with regard to you. Leave the city, Catiline; deliver the republic from its fears; go, if you wait only for that word, into banishment. Observe now, Catiline; mark the silence and composure of the assembly. Does a single senator remonstrate, or so much as offer to speak? Is it needful they should confirm by their voice what they so expressly declare by their silence? But had I addressed myself in this manner to that excellent youth P. Sextius, or to the brave M. Marcellus, the senate would ere now have risen up against me, and laid violent hands on their consul, in this very temple; and justly too. But with regard to you, Catiline, their silence declares their approbation; their acquiescence amounts to a decree; and by saying nothing they proclaim their consent. Nor is this true of the senators alone, whose authority you affect to prize, while you make no account of their lives, but of those brave and worthy Roman knights, and other illustrious citizens, who guard the avenues of the senate; whose numbers you might have seen, whose sentiments you might have known, whose voices a little while ago you might have heard; and whose swords and hands I have for some time with difficulty restrained from your person. Yet all these will I easily engage to attend you to the very gates, if you but consent to leave this city, which you have so long devoted to destruction.

But why do I talk? As if your resolution was to be shaken? Or there was any room to hope you would reform? Can we expect you will ever think of flight? or entertain the design of going into banishment? May the immortal gods inspire you with that resolution! Though I clearly perceive, should my threats frighten you into exile, what a storm of envy will light on my own head; if not at present,

while the memory of thy crimes is fresh, yet surely in future times. But I little regard that thought, provided the calamity falls on myself alone, and is not attended with any danger to my country: but to feel the stings of remorse, to dread the rigour of the laws, to yield to the exigencies of the state, are things not to be expected from thee. Thou, O Catiline, art none of those whom shame reclaims from dishonourable pursuits, fear from danger, or reason from madness. Begone, then, as I have already often said: and if you would swell the measure of popular odium against me, for being, as you give out, your enemy, depart directly into banishment. By this step you will bring on me an insupportable load of censure; nor shall I be able to sustain the weight of the public indignation, shouldst thou, by order of the consul, retire into exile. But if you mean to advance my reputation and glory, march off with your abandoned crew of ruffians: repair to Manlius; rouse every desperate citizen to rebel; separate yourself from the worthy; declare war against your country; triumph in your impious depredations; that it may appear you were not forced by me into a foreign treason, but voluntarily joined your associates. But why should I urge you to this step, when I know you have already sent forward a body of armed men to wait you at the Forum Aurelium? when I know you have concerted and fixed a day with Manlius? when I know you have sent off the silver eagle,* that domestic shrine of your impieties, which I doubt not will bring ruin on you and your accomplices? Can you absent your-

* It is well known that the eagle was the proper standard of the Roman armies. Each legion had one; and as there were ten cohorts in every legion, the first cohort always claimed the honour of guarding the standard. We learn from history that the Roman standards, and especially the eagle, were held in the greatest veneration by the soldiers; who even worshipped them as deities, and swore by them. The eagle of which Cicero here speaks, and which Catiline kept so religiously, is said to have been the same which Marius had in the war with the Cimbri.

self longer from an idol to which you had recourse in every bloody attempt? and from whose altars that impious right hand was frequently transferred to the murder of your countrymen?

Thus will you at length repair whither your frantic and unbridled rage has long been hurrying you. Nor does this issue of thy plots give thee pain; but, on the contrary, fills thee with inexpressible delight. Nature has formed you, inclination trained you, and fate reserved you for this desperate enterprise. You never took delight either in peace or war, unless when they were flagitious and destructive. You have got together a band of ruffians and profligates, not only utterly abandoned of fortune, but even without hope. With what pleasure will you enjoy yourself? how will you exult? how will you triumph? when, among so great a number of your associates, you shall neither hear nor see an honest man? To attain the enjoyment of such a life, have you exercised yourself in all those toils which are emphatically styled yours: your lying on the ground, not only in pursuit of lewd amours, but of bold and hardy enterprises: your treacherous watchfulness, not only to take advantage of the husband's slumber, but to spoil the murdered citizen. Here may you exert all that boasted patience of hunger, cold, and want, by which however you will shortly find yourself undone. So much have I gained by excluding you from the consulship, that you can only attack your country as an exile, not oppress her as a consul; and your impious treason will be deemed the efforts, not of an enemy, but of a robber.

And now, conscript fathers, that I may obviate and remove a complaint which my country might with some appearance of justice urge against me, attend diligently to what I am about to say, and treasure it up in your minds and hearts: for should my country, which is to me much dearer than life, should all Italy, should the whole state thus accost

me, "What are you about, Marcus Tullius? Will you suffer a man to escape out of Rome whom you have discovered to be a public enemy? whom you see ready to enter on a war against the state? whose arrival the conspirators wait with impatience, that they may put themselves under his conduct? the prime author of the treason; the contriver and manager of the revolt; the man who enlists all the slaves and ruined citizens he can find? will you suffer him, I say, to escape, and appear as one rather sent against the city than driven from it? will you not order him to be put in irons, to be dragged to execution, and to atone for his guilt by the most rigorous punishment? what restrains you on this occasion? is it the custom of our ancestors? But it is well known in this commonwealth, that even persons in a private station have often put pestilent citizens to death. Do the laws relating to the punishment of Roman citizens hold you in awe? Certainly traitors against their country can have no claim to the privileges of citizens. Are you afraid of the reproaches of posterity? A noble proof, indeed, of your gratitude to the Roman people, that you, a new man, who, without any recommendation from your ancestors, have been raised by them through all the degrees of honour to sovereign dignity, should, for the sake of any danger to yourself, neglect the care of the public safety. But if censure be that whereof you are afraid, think which is to be most apprehended, the censure incurred for having acted with firmness and courage, or that for having acted with sloth and pusillanimity? When Italy shall be laid desolate with war, her cities plundered, her dwellings on fire, can you then hope to escape the flames of public indignation?"

To this most sacred voice of my country, and to all those who blame me after the same manner, I shall make this short reply: "That if I had thought it the most advisable to put Catiline to death, I

would not have allowed that gladiator the use of one moment's life." For if in former days our greatest men and most illustrious citizens, instead of sullying, have done honour to their memories, by the destruction of Saturninus, the Gracchi, Flaccus, and many others, there is no ground to fear that, by killing this parricide, any envy would lie on me with posterity. Yet if the greatest was sure to befall me, it was always my persuasion that envy acquired by virtue was really glory, not envy. But there are some of this very order who do not either see the dangers which hang over us, or else dissemble what they see;* who by the softness of their votes cherish Catiline's hopes, and add strength to the conspiracy by not believing it; whose authority influences many, not only of the wicked but the weak; who, if I had punished this man as he deserved, would not have failed to charge me with acting cruelly and tyrannically. Now I am persuaded, that when he is once gone into Manlius's camp, whither he actually designs to go, none can be so silly as not to see that there is a plot; none so wicked as not to acknowledge it: whereas, by taking off him alone, though this pestilence would be somewhat checked, it could not be suppressed: but when he has thrown himself into rebellion, and carried out his friends along with him, and drawn together the profligate and desperate from all parts of the empire, not only this ripened plague of the republic, but the very root and seed of all our evils, will be extirpated with him at once.

It is now a long time, conscript fathers, that we have trod amid the dangers and machinations of this conspiracy; but I know not how it comes to

* Cæsar, Crassus, and others of the first rank, were suspected of being concerned in Catiline's conspiracy, and of wishing that it might succeed. These were cunning enough not to be present at the meetings of the body of the conspirators, lest they should be discovered; but they served Catiline, by maintaining that the whole conspiracy was a chimera of the consul's brain, or at most a design to be revenged on Cicero, for disappointing Catiline so often in his standing for the consulship.

pass, the full maturity of all those crimes, and of this long-ripening rage and insolence, has now broke out during the period of my consulship. Should he alone be removed from this powerful band of traitors, it may abate perhaps our fears and anxieties for a while, but the danger will still remain, and continue lurking in the veins and vitals of the republic: for as men oppressed with a severe fit of illness, and labouring under the raging heat of a fever, are often at first seemingly relieved by a draught of cold water, but afterward find the disease return on them with redoubled fury, in like manner this distemper which has seized the commonwealth, eased a little by the punishment of this traitor, will from his surviving associates soon assume new force. Wherefore, conscript fathers, let the wicked retire; let them separate themselves from the honest; let them rendezvous in one place. In fine, as I have often said, let a wall be between them and us: let them cease to lay snares for the consul in his own house; to beset the tribunal of the city pretor; to invest the senate-house with armed ruffians, and to prepare fireballs and torches for burning the city; in short, let every man's sentiments with regard to the public be inscribed on his forehead. This I engage for and promise, conscript fathers, that by the diligence of the consuls, the weight of your authority, the courage and firmness of the Roman knights, and the unanimity of all the honest, Catiline being driven from the city, you shall behold all his treasons detected, exposed, crushed, and punished. With these omens, Catiline, of all prosperity to the republic, but of destruction to thyself, and all those who have joined themselves with thee in all kinds of parricide, go thy way then to this impious and abominable war: while thou, Jupiter, whose religion was established with the foundation of this city, whom we truly call Stator, the stay and prop of this empire, wilt drive this man and his accomplices from thy

altars and temples, from the houses and walls of the city, from the lives and fortunes of us all; and wilt destroy with eternal punishments, both living and dead, all the haters of good men, the enemies of their country, the plunderers of Italy, now confederated in this detestable league and partnership of villany.

ORATION V.—SECOND AGAINST CATILINE

ARGUMENT.

Catiline, astonished by the thunder of the last speech, had little to say for himself in answer to it; yet with downcast looks, and suppliant voice, he begged of the fathers not to believe too hastily what was said against him by an enemy; that his birth and past life offered every thing to him that was hopeful; and it was not to be imagined that a man of patrician family, whose ancestors, as well as himself, had given many proofs of their affection to the Roman people, should want to overturn the government: while Cicero, a stranger, and late inhabitant of Rome, was so zealous to preserve it—But as he was going on to give foul language, the senate interrupted him by a general outcry, calling him traitor and parricide; on which, being furious and desperate, he declared again aloud what he had said before to Cato, that since he was circumvented and driven headlong by his enemies, he would quench the flame which was raised about him by the common ruin; and so rushed out of the assembly—As soon as he had come to his house, and began to reflect on what had passed, perceiving it in vain to dissemble any longer, he resolved to enter into action immediately, before the troops of the republic were increased, or any new levies made; so that after a short conference with Lentulus, Cethegus, and the rest, about what had been concerted in the last meeting, having given fresh orders and assurances of his speedy return at the head of a strong army, he left Rome that very night with a small retinue, to make the best of his way towards Etruria—He no sooner disappeared than his friends gave out that he had gone into a voluntary exile at Marseilles, which was industriously spread through the city the next morning, to raise an odium on Cicero, for driving an innocent man into banishment without any previous trial or proof of his guilt—But Cicero was too well informed of his motions to entertain any doubt about his going to Manlius's camp, and into actual rebellion—He knew that he had sent thither already a great quantity of arms, and all the ensigns of military command, with that silver eagle which he used to keep with great superstition in his house, for its having belonged to C. Marius, in his expedition against the Cimbri—But lest the story should make an ill impression on the city, he called the people together into the forum, to give them an account of what passed in the senate the day before, and of Catiline's leaving Rome on it—And this makes the subject of the oration now before us.

At length, Romans, have we driven, discarded, and pursued with the keenest reproaches to the very gates of Rome, L. Catiline, intoxicated with fury, breathing mischief, impiously plotting the destruction of his country, and threatening to lay waste this city with fire and sword. He is gone, he is fled, he has escaped, he has broke away. No longer shall that monster, that prodigy of mischief, plot the ruin of this city within her very walls. We have gained a clear conquest over this chief and ringleader of domestic broils. His threatening dagger is no longer pointed at our breasts, nor shall we now any more tremble in the field of Mars, the forum, the senate-house, or within our domestic walls. In driving him from the city, we have forced his most advantageous post. We shall now, without opposition, carry on a just war against an open enemy. We have effectually ruined the man, and gained a glorious victory, by driving him from his secret plots into open rebellion. But how, do you think, is he overwhelmed and crushed with regret, at carrying away his dagger unbathed in blood, at leaving the city, before he had effected my death, at seeing the weapons prepared for our destruction wrested out of his hands; in a word, that Rome is still standing, and her citizens still safe. He is now quite overthrown, Romans, and perceives himself impotent and despised, often casting back his eyes on this city which he sees, with regret, rescued from his destructive jaws; and which seems to me to rejoice for having disgorged and rid herself of so pestilent a citizen.

But if there be any here who blame me for what I am boasting of, as you all indeed justly may, that I did not rather seize than send away so capital an enemy; that is not my fault, citizens, but the fault of the times. Catiline ought long ago to have suffered the last punishment; the custom of our ancestors, the discipline of the empire, and the republic

itself required it: but how many would there have been who would not have believed what I charged him with? How many who, through weakness, would never have imagined it? how many who would even have defended him? how many who, through wickedness, would have espoused his cause? But had I judged that his death would have put a final period to all your dangers, I would long ago have ordered him to execution, at the hazard, not only of public censure, but even of my life. But when I saw that by sentencing him to the death he deserved, and before you were all fully convinced of his guilt, I should have drawn on myself such an odium as would have rendered me unable to prosecute his accomplices, I brought the matter to this point, that you might then openly and vigorously attack Catiline, when he was apparently become a public enemy. What kind of an enemy I judge him to be, and how formidable in his attempt, you may learn from hence, citizens, that I am only sorry he went off with so few to attend him. I wish he had taken his whole forces along with him. He has carried off Tongillus indeed: he has likewise carried off Publicius and Munatius, whose tavern debts would never have occasioned any commotions in the state. But how important are the men he has left behind him! how oppressed with debt, how powerful, how illustrious by their descent!

When therefore I think of our Gallic legions, and the levies made by Metellus in Picenum and Lombardy,* together with those troops we are daily

* When the design of the conspiracy came to be known, Q. Pompeius Rufus was sent to Capua, and Q. Metellus Celer to Picenum, with commission to levy troops, and provide an army sufficient to repel the danger wherewith the state was threatened. This sufficiently explains Cicero's meaning with respect to the levies in Picenum. To understand what he further says of the Gallic troops, the reader must be informed that the senate having decreed the provinces of Macedonia and Gaul to the two consuls of the present year, Macedonia fell to the lot of Cicero; which being one of the most lucrative provinces of the empire, our orator resigned it to his colleague Antony; who, being overwhelmed

raising, I hold in utter contempt that army of his, composed of wretched old men, of debauchees from the country, of rustic vagabonds, of such as have fled from their bail to take shelter in his camp; men ready to run away, not only at the sight of an army, but of the pretor's edict. I could wish he had likewise carried with him those whom I see fluttering in the forum, sauntering about the courts of justice, and even taking their places in the senate; men sleek with perfumes, and shining in purple. If these still remain here, mark what I say, the deserters from the army are more to be dreaded than the army itself: and the more so, because they know me to be informed of all their designs, yet are not in the least moved by it. I behold the person to whom Apulia is allotted, to whom Etruria, to whom the territory of Picenum, to whom Cisalpine Gaul. I see the man who demanded the task of setting fire to the city, and filling it with slaughter. They know that I am acquainted with all the secrets of their last nocturnal meeting: I laid them open yesterday in the senate: Catiline himself was disheartened, and fled: what then can these others mean? They are much mistaken if they imagine I shall always use the same lenity.

I have at last gained what I have hitherto been waiting for, to make you all sensible that a conspiracy is openly formed against the state; unless there be any one who imagines that such as resemble Catiline may yet refuse to enter into his designs. There is now therefore no more room for clemency;

with debt, and on that account suspected of favouring the conspiracy, was by this means drawn off from his old associates, and induced to act the part of a real friend to his country. But neither did Cicero accept of Gaul, choosing rather to continue in Rome, and charge himself with the guardianship of the city. He therefore resigned his province to his friend Q. Metellus; and hence it is that we find him so often boasting in his speeches that he had rejected all the advantages of a provincial command, in the view of rendering himself more serviceable to the commonwealth.

the case itself requires severity. Yet I will still grant them one thing; let them quit the city, let them follow Catiline, nor suffer their miserable leader to languish in their absence. Nay, I will even tell them the way; it is the Aurelian road; if they make haste, they may overtake him before night. O happy state, were it but once drained of this sink of wickedness! To me the absence of Catiline alone seems to have restored fresh beauty and vigour to the commonwealth. What villany, what mischief can be devised or imagined that has not entered into his thoughts? What prisoner is to be found in all Italy, what gladiator, what robber, what assassin, what parricide, what forger of wills, what sharper, what debauchee, what squanderer, what adulterer, what harlot, what corrupter of youth, what corrupted wretch, what abandoned criminal, who will not own an intimate familiarity with Catiline? What murder has been perpetrated of late years without him? What act of wickedness speaks not him for its author? Was ever man possessed of such talents for corrupting youth? Many were allured by the prospect of unbounded enjoyment, many by the promise of their parents' death; to which he not only incited them, but even contributed his assistance. What a prodigious number of profligate wretches has he just now drawn together, not only from the city, but also from the country! There is not a person oppressed with debt, I will not say in Rome, but in the remotest corner of all Italy, whom he has not engaged in this unparalleled confederacy of guilt.

But to make you acquainted with the variety of his talents, in all the different kinds of vice; there is not a gladiator in any of our public schools, remarkable for being audacious in mischief, who does not own an intimacy with Catiline; not a player of distinguished impudence and guilt, but openly boasts of having been his companion. Yet this man, trained

up in the continual exercise of lewdness and villany, while he was wasting in riot and debauchery the means of virtue and supplies of industry, was extolled by these his associates for his fortitude and patience in supporting cold, hunger, thirst, and watchings. Would his companions but follow him, would this profligate crew of desperate men but leave the city; how happy would it be for us, how fortunate for the commonwealth, how glorious for my consulship! It is not a moderate degree of depravity, a natural or supportable measure of guilt that now prevails. Nothing less than murders, rapines, and conflagrations employ their thoughts. They have squandered away their patrimonies; they have wasted their fortunes in debauchery; they have long been without money, and now their credit begins to fail them; yet still they retain the same desires though deprived of the means of enjoyment. Did they amid their revels and gaming affect no other pleasures than those of lewdness and feasting, however desperate their case must appear, it might still notwithstanding be borne with. But it is altogether insufferable, that the cowardly should pretend to plot against the brave, the foolish against the prudent, the drunken against the sober, the drowsy against the vigilant; who, lolling at feasts, embracing mistresses, staggering with wine, stuffed with victuals, crowned with garlands, daubed with perfumes, wasted with intemperance, belch in their conversations of massacring the honest, and firing the city. Over such, I trust, some dreadful fatality now hangs; and that the vengeance so long due to their villany, baseness, guilt, and crimes is either just breaking, or just ready to break, on their heads. If my consulship, since it cannot cure, should cut off all these, it would add no small period to the duration of the republic: for there is no nation which we have reason to fear; no king who can make war on the Roman people. All disturbances

abroad, both by land and sea, are quelled by the virtue of one man. But a domestic war still remains: the treason, the danger, the enemy is within. We are to combat with luxury, with madness, with villany. In this war I profess myself your leader, and take on myself all the animosity of the desperate. Whatever can possibly be healed, I will heal; but what ought to be cut off, I will never suffer to spread to the ruin of the city. Let them therefore depart, or be at rest; but if they are resolved both to remain in the city, and continue their wonted practices, let them look for the punishment they deserve.

But some there are, Romans, who assert that I have driven Catiline into banishment. And, indeed, could words compass it, I would not scruple to drive them into exile too. Catiline, to be sure, was so very timorous and modest, that he could not stand the words of the consul; but being ordered into banishment, immediately acquiesced and obeyed. Yesterday, when I ran so great a hazard of being murdered in my own house, I assembled the senate in the temple of Jupiter Stator, and laid the whole affair before the conscript fathers. When Catiline came thither, did so much as one senator accost or salute him? In fine, did they regard him only as a desperate citizen, and not rather as an outrageous enemy? Nay, the consular senators quitted that part of the house where he sat, and left the whole bench clear to him. Here I, that violent consul, who by a single word drive citizens into banishment, demanded of Catiline whether he had not been at the noctural meeting in the house of M. Lecca. And when he, the most audacious of men, struck dumb by self-conviction, returned no answer, I laid open the whole to the senate; acquainting them with the transactions of that night; where he had been, what was reserved for the next, and how he had settled the whole plan of the war. As he appeared discon-

certed and speechless, I asked what hindered his going on an expedition which he had so long prepared for; when I knew that he had already sent before him arms, axes, rods, trumpets, military ensigns, and that silver eagle to which he had raised an impious altar in his own house. Can I be said to have driven into banishment a man who had already commenced hostilities against his country? Or is it credible that Manlius, an obscure centurion, who has pitched his camp on the plains of Fesulæ, would declare war against the Roman people in his own name: that the forces under him do not now expect Catiline for their general: or that he, submitting to a voluntary banishment, has, as some pretend, repaired to Marseilles,* and not to the before-mentioned camp?

O wretched condition! not only of governing, but even of preserving the state; for should Catiline, discouraged and disconcerted by my counsels, vigilance, and strenuous care of the republic, be seized with a sudden dread, change his resolution, desert his party, quit his hostile designs, and alter his course of war and guilt into that of flight and banishment; it will not then be said that I have wrested out of his hands the weapons of insolence; that I have astonished and confounded him by my diligence, and that I have driven him from all his hopes and schemes: but he will be considered as a man innocent and uncondemned, who has been forced into banishment by the threats and violence of the consul. Nay, there are who, in this event, would think him not wicked, but unhappy; and me not a vigilant consul, but a cruel tyrant. But I little regard this storm of

* Catiline, on leaving Rome, wrote letters to some of the most considerable senators, informing them that, being persecuted with false accusations, and finding himself unable to resist the faction of his enemies, he had thought proper to retire to Marseilles; not from a consciousness of any guilt, but to prevent the disputes that otherwise might be raised on his account.

bitter and undeserved censure, provided I can screen you from the danger of this dreadful and impious war. Let him only go into banishment, and I am content it be ascribed to my threats. But, believe me, he has no design to go. My desire of avoiding public envy, Romans, shall never induce me to wish you may hear of Catiline's being at the head of an army, and traversing in a hostile manner the territories of the republic. But assuredly you will hear it in three days; and I have much greater reason to fear being censured for letting him escape, than that I forced him to quit the city. But if men are so perverse as to complain of his being driven away, what would they have said if he had been put to death? Yet there is not one of those who talk of his going to Marseilles but would be sorry for it if it was true; and with all the concern they express for him, they had much rather hear of his being in Manlius's camp. As for himself, had he never before thought of the project he is now engaged in, yet such is his particular turn of mind, that he would rather fall as a robber than live as an exile. But now, as nothing has happened contrary to his expectation and desire, except that I was left alive when he quitted Rome, let us rather wish he may go into banishment, than complain of it.

But why do I speak so much about one enemy? An enemy, too, who has openly proclaimed himself such; and whom I no longer dread, since, as I always wished, there is now a wall between us. Shall I say nothing of those who dissemble their treason, who continue at Rome, and mingle in our assemblies? With regard to these, indeed, I am less intent on vengeance, than to reclaim them, if possible, from their errors, and reconcile them to the republic. Nor do I perceive any difficulty in the undertaking, if they will but listen to my advice: for, first, I will show you, citizens, of what different sorts of men their forces consist, and then apply to each,

as far as I am able, the most powerful remedies of persuasion and eloquence. The first sort consists of those who, having great debts, but still greater possessions, are so passionately fond of the latter, that they cannot bear the thought of infringing them. This, in appearance, is the most honourable class, for they are rich; but their intention and aim is the most infamous of all. Art thou distinguished by the possession of an estate, houses, money, slaves, and all the conveniences and superfluities of life, and dost thou scruple to take from thy possessions, in order to add to thy credit? for what is it thou expectest? Is it war? and dost thou hope thy possessions will remain unviolated amid a universal invasion of property? Is it new regulations about debts thou hast in view? 'Tis an error to expect this from Catiline. New regulations shall indeed be proffered by my means, but attended with public auctions, which is the only method to preserve those who have estates from ruin. And had they consented to this expedient sooner, nor foolishly run out their estates in mortgages, they would have been at this day both richer men and better citizens. But I have no great dread of this class of men, as believing they may be easily disengaged from the conspiracy; or, should they persist, they seem more likely to have recourse to imprecations than arms.

The next class consists of those who, though oppressed with debt, yet hope for power, and aspire to the chief management of public affairs; imagining they shall obtain those honours by throwing the state into confusion, which they despair of during its tranquillity. To these I shall give the same advice as to the rest, which is, to quit all hope of succeeding in their attempts. For, first, I myself am watchful, active, and attentive to the interest of the republic; then there is on the side of the honest party great courage, great unanimity, a vast multitude of citizens, and very numerous forces; in fine,

the immortal gods themselves will not fail to interpose in behalf of this unconquered people, this illustrious empire, this fair city, against the daring attempts of guilty violence. And even supposing them to accomplish what they with so much frantic rage desire, do they hope to spring up consuls, dictators, or kings, from the ashes of a city and blood of her citizens, which with so much treachery and sacrilege they have conspired to spill? They are ignorant of the tendency of their own desires, and that, in case of success, they must themselves fall a prey to some fugitive or gladiator. The third class consists of men of advanced age, but hardened in all the exercises of war. Of this sort is Manlius, whom Catiline now succeeds. These come mostly from the colonies planted by Sylla at Fesulæ; which, I am ready to allow, consist of the best citizens and the bravest men: but coming many of them to the sudden and unexpected possession of great wealth, they ran into all the excesses of luxury and profusion. These, by building fine houses, by affluent living, splendid equipages, numerous attendants, and sumptuous entertainments, have plunged themselves so deeply in debt, that, in order to retrieve their affairs, they must recall Sylla from his tomb. I say nothing of those needy indigent rustics whom they have gained over to their party, by the hopes of seeing the scheme of rapine renewed; for I consider both in the same light of robbers and plunderers. But I advise them to drop their frantic ambition, and think no more of dictatorships and proscriptions: for so deep an impression have the calamities of those times made on the state, that not only men, but the very beasts would not bear a repetition of such outrages.

The fourth is a mixed, motley, mutinous tribe, who have been long ruined beyond hopes of recovery; and, partly through indolence, partly through ill management, partly too through extravagance,

droop beneath a load of ancient debt: who, persecuted with arrests, judgments, and confiscations, are said to resort in great numbers, both from city and country, to the enemy's camp. These I consider, not as brave soldiers, but dispirited bankrupts. If they cannot support themselves, let them even fall; yet so that neither the city nor neighbourhood may receive any shock: for I am unable to perceive why, if they cannot live with honour, they should choose to die with infamy; or why they should fancy it less painful to die in company with others than to perish by themselves. The fifth sort is a collection of parricides, assassins, and ruffians of all kinds; whom I ask not to abandon Catiline, as knowing them to be inseparable. Let these even perish in their robberies, since their number is so great that no prison could be found large enough to contain them. The last class, not only in this enumeration, but likewise in character and morals, are Catiline's peculiar associates, his choice companions and bosom friends; such as you see with curled locks, neat array, beardless, or with beards nicely trimmed; in full dress, in flowing robes, and wearing mantles instead of gowns; whose whole labour of life, and industry in watching, are exhausted on midnight entertainments. Under this class we may rank all gamesters, and the lustful of every denomination. These slim delicate youths, practised in all the arts of raising and allaying the amorous fire, not only know to sing and dance, but on occasion can aim the murdering dagger, and administer the poisonous draught. Unless these depart, unless these perish, know, that was even Catiline himself to fall, we shall still have a nursery of Catilines in the state. But what can this miserable race have in view? Do they propose to carry their women along with them to the camp? Indeed, how can they be without them? But have they considered of the Apennine frosts and snows? or do they imagine they will be

the abler to endure the rigours of winter for having learned to dance at revels? O formidable and tremendous war, where Catiline's pretorian guard* consists of such a dissolute effeminate crew!

Against these gallant troops of your adversary, prepare, O Romans, your garrisons and armies: and first, to that battered and maimed gladiator oppose your consuls and generals; next, against that outcast miserable crew lead forth the flower and strength of all Italy. The walls of our colonies and free towns will easily resist the efforts of Catiline's rustic troops. But I ought not to run the parallel further, or compare your other resources, preparations, and defences, to the indigence and nakedness of that robber. But if, omitting all those advantages of which we are provided, and he destitute, as the senate, the Roman knights, the people, the city, the treasury, the public revenues, all Italy, all the provinces, foreign states: I say, if, omitting all these, we only compare the contending parties between themselves, it will soon appear how very low our enemies are reduced. On the one side modesty contends, on the other petulance: here chastity, there pollution: here integrity, there treachery; here piety, there profaneness: here resolution, there rage: here honour, there baseness: here moderation, there unbridled licentiousness: in short, equity, temperance, fortitude, prudence, struggle with iniquity, luxury, cowardice, rashness; every virtue with every vice. Lastly, the contest lies between wealth and indigence, sound and depraved reason, strength of understanding and phrensy; in fine between well-grounded hope, and the most absolute despair. In such a conflict and struggle as this, were even human aid to fail, will

* The pretorian cohort was a select body of troops, whose business it was to attend on the general, and serve him by way of a guard. Scipio Africanus was the author of this institution among the Romans, selecting the bravest men of the army for that purpose. These formed afterwards the pretorian bands under the emperors.

not the immortal gods enable such illustrious virtue to triumph over such complicated vice?

Such, Romans, being our present situation, do you, as I have before advised, watch and keep guard in your private houses; for as to what concerns the public tranquillity, and the defence of the city, I have taken care to secure that, without tumult or alarm. The colonies and municipal towns, having received notice from me of Catiline's nocturnal retreat, will be on their guard against him. The band of gladiators, whom Catiline always depended on as his best and surest support, though in truth they are better affected than some part of the patricians, are nevertheless taken care of in such a manner as to be in the power of the republic. Q. Metellus the pretor, whom, foreseeing Catiline's flight, I sent into Gaul and the district of Picenum, will either wholly crush the traitor, or baffle all his motions and attempts. And to settle, ripen, and bring all other matters to a conclusion, I am just going to lay them before the senate, which you see now assembling. As for those therefore who continue in the city, and were left behind by Catiline, for the destruction of it and us all, though they are enemies, yet as by birth they are likewise fellow-citizens, I again and again admonish them, that my lenity, which to some may have rather appeared remissness, has been waiting only for an opportunity of demonstrating the certainty of the plot. As for the rest, I shall never forget that this is my country, that I am its consul, and that I think it my duty either to live with my countrymen or die for them. There is no guard on the gates, none to watch the roads; if any one has a mind to withdraw himself, he may go wherever he pleases. But whoever makes the least stir within the city, so as to be caught, not only in any overt act, but even in any plot or attempt against the republic, he shall know that there are in it vigilant consuls, excellent magistrates, and a resolute

senate; that there are arms, and a prison, which our ancestors provided as the avenger of manifest and atrocious crimes.

And all this shall be transacted in such a manner, citizens, that the greatest disorders shall be quelled without the least hurry; the greatest dangers without any tumult; a domestic and intestine war, the most cruel and desperate of any in our memory, by me, your only leader and general, in my gown;* which I will manage so, that, as far as it is possible, not one even of the guilty shall suffer punishment in the city; but if their audaciousness and my country's danger should necessarily drive me from this mild resolution, yet I will effect, what in so cruel and treacherous a war could hardly be hoped for, that not one honest man shall fall, but all of you be safe by the punishment of a few. This I promise, citizens, not from any confidence in my own prudence, or from any human counsels, but from the many evident declarations of the gods, by whose impulse I am led into this persuasion; who assist us, not as they used to do, at a distance, against foreign and remote enemies, but by their present help and protection defend their temples and our houses. It is your part therefore, citizens, to worship, implore, and pray to them, that since all our enemies are now subdued both by land and sea, they would continue to preserve this city, which was designed by them for the most beautiful, the most flourishing and most powerful on earth, from the detestable treasons of its own desperate citizens.

* The consuls, before setting out on any military expedition, used to put off their gowns and put on their military dress, with great ceremony and public sacrifices. Cicero tells them his scheme for suppressing the conspiracy was so well laid, that without changing his gown, the dress of peace, he would quell all the disturbance.

ORATION VI.—THIRD AGAINST CATILINE.

ARGUMENT.

CATILINE, as we have seen, being forced to leave Rome, Lentulus and the rest, who remained in the city, began to prepare all things for the execution of their grand design—They solicited men of all ranks, who seemed likely to favour their cause, or to be of any use to it; and among the rest, agreed to make an attempt on the ambassadors of the Allobrogians, a warlike, mutinous, faithless people, inhabiting the countries now called Savoy and Dauphiny, greatly disaffected to the Roman power, and already ripe for rebellion—These ambassadors, who were preparing to return home, much out of humour with the senate, and without any redress of the grievances which they were sent to complain of, received the proposal at first very greedily, and promised to engage their nation to assist the conspirators with what they principally wanted, a good body of horse, whenever they should begin the war: but reflecting afterward, in their cooler thoughts, on the difficulty of the enterprise, and the danger of involving themselves and their country in so desperate a cause, they resolved to discover what they knew to Q. Fabius Sanga, the patron of their city, who immediately gave intelligence of it to the consul—Cicero's instructions on it were, that the ambassadors should continue to feign the same zeal which they had hitherto shown, and promise every thing which was required of them, till they had got a full insight into the extent of the plot, with distinct proofs against the particular actors in it: on which, at their next conference with the conspirators, they insisted on having some credentials from them to show to their people at home, without which they would never be induced to enter into an engagement so hazardous—This was thought reasonable, and presently complied with, and Vulturcius was appointed to go along with the ambassadors, and introduce them to Catiline on their road, in order to confirm the agreement, and exchange assurances also with him; to whom Lentulus sent at the same time a particular letter under his own hand and seal, though without his name—Cicero, being punctually informed of all these facts, concerted privately with the ambassadors the time and manner of their leaving Rome in the night, and that on the Milvian bridge, about a mile from the city, they should be arrested with their papers and letters about them, by two of the pretors, L. Flaccus and C. Pontinius, whom he had instructed for that purpose, and ordered to lie in ambush near the place, with a strong guard of friends and soldiers: all which was successfully executed, and the whole company brought prisoners to Cicero's house by break of day—The rumour of

this accident presently drew a resort of Cicero's principal friends about him, who advised him to open the letters before he produced them in the senate, lest, if nothing of moment were found in them, it might be thought rash and imprudent to raise an unnecessary terror and alarm through the city—But he was too well informed of the contents to fear any censure of that kind; and declared, that in a case of public danger, he thought it his duty to lay the matter entire before the public council—He summoned the senate therefore to meet immediately, and sent at the same time for Gabinius, Statilius, Cethegus, and Lentulus, who all came presently to his house, suspecting nothing of the discovery; and, being informed also of a quantity of arms provided by Cethegus for the use of the conspiracy, he ordered C. Sulpicius, another of the pretors, to go and search his house, where he found a great number of swords and daggers, with other arms, all newly cleaned, and ready for present service—With this preparation he set out to meet the senate in the temple of Concord, with a numerous guard of citizens, carrying the ambassadors and the conspirators with him in custody: and, after he had given the assembly an account of the whole affair, the several parties were called in and examined, and an ample discovery made of the whole progress of the plot—After the criminals and witnesses were withdrawn, the senate went into a debate on the state of the republic, and came unanimously to the following resolutions: That public thanks should be decreed to Cicero in the amplest manner; by whose virtue, counsel, and providence the republic was delivered from the greatest dangers: that Flaccus and Pontinius, the pretors, should be thanked likewise, for their vigorous and punctual execution of Cicero's orders: that Antonius, the other consul, should be praised, for having removed from his counsels all those who were concerned in the conspiracy: that Lentulus, after having abdicated the pretorship, and divested himself of his robes; and Cethegus, Statilius, and Gabinius, with their other accomplices also, when taken, Cassius, Cæparius, Furius, Chilo, Umbrenus, should be committed to safe custody; and that a public thanksgiving should be appointed in Cicero's name, for his having preserved the city from a conflagration, the citizens from a massacre, and Italy from a war—The senate being dismissed, Cicero went directly into the rostra; and in the following speech, gave the people an account of the discovery that had been made, with the resolutions of the senate consequent thereon.

To-day, Romans, you behold the commonwealth, your lives, estates, fortunes, your wives and children, the august seat of this renowned empire, this fair and flourishing city, preserved and restored to you, rescued from fire and sword, and almost snatched from the jaws of fate, by the distinguished love of the immortal gods towards you, and by means of my toils, counsels, and dangers. And if the days in which we are preserved from ruin be no less joyous and memorable than those of our birth because the

pleasure of deliverance is certain, the condition to which we are born uncertain; and because we enter on life without consciousness, but are always sensible to the joys of preservation; surely, since our gratitude and esteem for Romulus, the founder of this city, has induced us to rank him among the immortal gods, he cannot but merit honour with you and posterity who has preserved the same city with all its accessions of strength and grandeur: for we have extinguished the flames that were dispersed on all sides, and just ready to seize the temples, sanctuaries, dwellings, and walls of this city; we have blunted the swords that were drawn against the state, and turned aside the daggers that were pointed at your throats. And as all these particulars have been already explained, cleared, and fully proved by me in the senate, I shall now, Romans, lay them briefly before you, that such as are strangers to what has happened, and wait with impatience to be informed, may understand what a terrible and manifest destruction hung over them, how it was traced out, and in what manner discovered. And, first, ever since Catiline, a few days ago, fled from Rome; as he left behind him the partners of his treason, and the boldest champions of this execrable war, I have always been on the watch, Romans, and studying how to secure you amid such dark and complicated dangers.

For at that time, when I drove Catiline from Rome (for I now dread no reproach from that word, but rather the censure of having suffered him to escape alive), I say, when I forced him to quit Rome, I naturally concluded that the rest of his accomplices would either follow him, or, being deprived of his assistance, would proceed with less vigour and firmness. But when I found that the most daring and forward of the conspirators still continued with us, and remained in the city, I employed myself night and day to unravel and fathom all their proceedings

and designs; that since my words found less credit with you, because of the inconceivable enormity of the treason, I might lay the whole so clearly before you as to compel you at length to take measures for your own safety, when you could no longer avoid seeing the danger that threatened you. Accordingly, when I found that the ambassadors of the Allobrogians* had been solicited by P. Lentulus to kindle a war beyond the Alps, and raise commotions in Hither Gaul; that they had been sent to engage their state in the conspiracy, with orders to confer with Catiline by the way, to whom they had letters and instructions; and that Vulturcius was appointed to accompany them, who was likewise intrusted with letters to Catiline; I thought a fair opportunity offered, not only of satisfying myself with regard to the conspiracy, but likewise of clearing it up to the senate and you, which had always appeared a matter of the greatest difficulty, and been the constant subject of my prayers to the immortal gods. Yesterday, therefore, I sent to the pretors L. Flaccus and C. Pontinius, men of known courage and distinguished zeal for the republic. I laid the whole matter

* These were Gauls, who, passing the Alps, settled on the Italian side, in those parts now called Savoy and Piedmont. They were a brave people, and maintained a war with the Romans for a long time; but, before this, had been totally subdued, and governed by the Roman pretor, who had the care of Gallia Narbonensis. About the time of the breaking out of this conspiracy they had sent ambassadors to Rome to complain of the oppression and extortion of their governor. Lentulus took this opportunity of increasing the strength of the conspiracy, by promising the Allobrogians an abatement of their taxes, if they would rise in favour of Catiline, and assist him with their forces. The ambassadors, after some deliberation, resolved to discover the affair to Q. Fabius Sanga, their patron at Rome, who immediately disclosed it to Cicero. The consuls advised them to agree with the conspirators, and get a covenant from them, signed by the principal men, to carry home to their constituents. This the conspirators consent to, and at the same time desire them to take Catiline's camp in their way; for which purpose they send one of their party, Vulturcius, along with them, with letters to their general. Cicero, getting notice of this from the ambassadors, took the whole party prisoners on the road, and by this means had full proof against Lentulus, and the other heads of the plot, whom he immediately seized.

before them, and made them acquainted with what I designed. They, full of the noblest and most generous sentiments with regard to their country, undertook the business without delay or hesitation; and, on the approach of night, privately repaired to the Milvian bridge, where they disposed themselves in such a manner in the neighbouring villages, that they formed two bodies, with the river and bridge between them. They likewise carried along with them a great number of brave soldiers, without the least suspicion; and I despatched from the prefecture of Reate several chosen youths well armed, whose assistance I had frequently used in the defence of the commonwealth. In the mean time, towards the close of the third watch,* as the deputies of the Allobrogians, accompanied by Vulturcius, began to pass the bridge with a great retinue, our men came out against them, and swords were drawn on both sides. The affair was known to the pretors alone, none else being admitted into the secret.

On the coming up of Pontinius and Flaccus, the conflict ceased; all the letters they carried with them were delivered sealed to the pretors; and the deputies with their whole retinue, being seized, were brought before me towards the dawn of day. I then sent for Gabinius Cimber, the contriver of all these detestable treasons, who suspected nothing of what had passed: L. Statilius was summoned next, and then Cethegus: Lentulus came the last of all, probably because, contrary to custom, he had been up the greatest part of the night before, making out the despatches. Many of the greatest and most illustrious men in Rome, hearing what had passed, crowded to my house in the morning, and advised me to open the letters before I communicated them

* The ancients divided the night into four watches, which commenced at sun-setting, and ended at sun-rising, consisting each of three hours; so that the third watch began exactly at midnight, and ended about three in the morning, supposing the sun to rise at six.

to the senate; lest, if nothing material was found in them, I should be blamed for rashly occasioning so great an alarm in the city. But I refused to comply, that an affair which threatened public danger might come entire before the public council of the state; for, citizens, had the informations given me appeared to be without foundation, I had yet little reason to apprehend that any censure would befall me for my over-diligence in so dangerous an aspect of things; I immediately assembled, as you saw, a very full senate; and at the same time, in consequence of a hint from the Allobrogian deputies, despatched C. Sulpicius the pretor, a man of known courage, to search the house of Cethegus, where he found a great number of swords and daggers.

I introduced Vulturcius without the Gallic deputies; and, by order of the house, offered him a free pardon in the name of the republic, if he would faithfully discover all that he knew: on which, after some hesitation, he confessed that he had letters and instructions from Lentulus to Catiline, to press him to accept the assistance of the slaves, and to lead his army with all expedition towards Rome, to the intent, that when, according to the scheme previously settled and concerted among them, it should be set on fire in different places, and the general massacre begun, he might be at hand to intercept those who escaped, and join with his friends in the city. The ambassadors were next brought in, who declared that an oath of secrecy had been exacted from them, and that they had received letters to their nation from Lentulus, Cethegus, and Statilius; that these three, and L. Cassius also, required them to send a body of horse as soon as possible into Italy, declaring that they had no occasion for any foot: that Lentulus had assured them from the Sibylline books, and the answers of soothsayers, that he was the third Cornelius, who was destined to empire and the sovereignty of Rome, which Cinna and Sylla

had enjoyed before him; and that this was the fatal year marked for the destruction of the city and empire, being the tenth from the acquittal of the vestal virgins, and the twentieth from the burning of the capitol: that there was some dispute between Cethegus and the rest about the time of firing the city; because while Lentulus and the other conspirators were for fixing it on the feast of Saturn, Cethegus thought that day too remote and dilatory.

But not to be tedious, Romans, I at last ordered the letters to be produced which were said to be sent by the different parties. I first showed Cethegus his seal; which he owning, I opened and read the letter. It was written with his own hand, and addressed to the senate and people of the Allobrogians, signifying that he would make good what he had promised to their ambassadors, and entreating them also to perform what the ambassadors had undertaken for them. Then Cethegus, who a little before, being interrogated about the arms that were found at his house, had answered that he was always particularly fond of neat arms, on hearing his letter read, was so dejected, confounded, and self-convicted, that he could not utter a word in his own defence. Statilius was then brought in, and acknowledged his hand and seal; and when his letter was read to the same purpose with that of Cethegus, he confessed it to be his own. Then Lentulus's letter was produced. I asked if he knew the seal; he owned he did. "It is, indeed," said I, "a well-known seal; the head of your illustrious grandfather, so distinguished for his love to his country and fellow-citizens, that it is amazing the very sight of it was not sufficient to restrain you from so black a treason." His letter, directed to the senate and people of the Allobroges, was of the same import with the other two; but having leave to speak for himself, he at first denied the whole charge, and began to question the ambassadors and Vulturcius,

what business they ever had with him, and on what occasion they came to his house; to which they gave clear and distinct answers; signifying by whom, and how often they had been introduced to him; and then asked him in their turn, whether he had never mentioned any thing to them about the Sibylline oracles; on which being confounded, or infatuated rather by the sense of his guilt, he gave a remarkable proof of the great force of conscience; for not only his usual parts and eloquence, but his impudence, too, in which he outdid all men, quite failed him; so that he confessed his crime, to the surprise of the whole assembly. Then Vulturcius desired that the letter to Catiline which Lentulus had sent by him might be opened; where Lentulus again, though greatly disordered, acknowledged his hand and seal. It was written without any name, but to this effect: "You will know who I am from him whom I have sent to you. Take care to show yourself a man, and recollect in what situation you are, and consider what is now necessary for you. Be sure to make use of the assistance of all, even of the lowest." Gabinius was then introduced, and behaved impudently for a while; but at last denied nothing of what the ambassadors charged him with. And indeed, Romans, though their letters, seals, hands, and lastly their several voluntary confessions, were strong and convincing evidences of their guilt; yet had I still clearer proofs of it from their looks, change of colour, countenances, and silence; for such was their amazement, such their downcast looks, such their stolen glances one at another, that they seemed not so much convicted by the information of others, as detected by the consciousness of their own guilt.

The proofs being thus laid open and cleared, I consulted the senate on the measures proper to be taken for the public safety. The most severe and vigorous resolutions were proposed by the leading

men, to which the senate agreed without the least opposition. And as the decree is not yet put into writing, I shall, as far as my memory serves, give you an account of the whole proceeding. First of all, public thanks were decreed to me in the amplest manner, for having, by my courage, counsel, and foresight, delivered the republic from the greatest dangers: then the pretors L. Flaccus and C. Pontinius were likewise thanked, for their vigorous and punctual execution of my orders. My colleague, the brave Antonius, was praised for having removed from his own and the counsels of the republic all those who were concerned in the conspiracy. They then came to a resolution, that P. Lentulus, after having abdicated the pretorship, should be committed to safe custody; that C. Cethegus, L. Statilius, P. Gabinius, all three then present, should likewise remain in confinement; and that the same sentence should be extended to L. Cassius, who had offered himself to the task of firing the city; to M. Ceparius, to whom, as appeared, Apulia had been assigned for raising the shepherds; to P. Furius, who belonged to the colonies settled by Sylla at Fæsulæ; to Q. Magius Chilo, who had always seconded this Furius, in his application to the deputies of the Allobrogians; and to P. Umbrenus, the son of a freedman, who was proved to have first introduced the Gauls to Gabinius. The senate chose to proceed with this lenity, Romans, from a persuasion that though the conspiracy was indeed formidable, and the strength and number of our domestic enemies very great; yet by the punishment of nine of the most desperate, they should be able to preserve the state, and reclaim all the rest. At the same time a public thanksgiving* was decreed in my name to the

* A solemn procession to the temples of the gods, to return thanks for any victory. After obtaining any such remarkable advantage, the general commonly gave the senate an account of the exploit by letters wreathed about with laurel; in which, after the account of his success,

immortal gods, for their signal care of the commonwealth; the first, Romans, since the building of Rome, that was ever decreed to any man in the gown. It was conceived in these words: "Because I had preserved the city from a conflagration, the citizens from a massacre, and Italy from a war." A thanksgiving, my countrymen, which, if compared with others of the same kind, will be found to differ from them in this; that all others were appointed for some particular services to the republic, this alone for saving it. What required our first care was first executed and despatched: for P. Lentulus, though, in consequence of the evidence brought against him, and his own confession, the senate had adjudged him to have forfeited, not only the pretorship, but the privileges of a Roman citizen, divested himself of his magistracy: that the consideration of a public character, which yet had no weight with the illustrious C. Marius, when he put to death the pretor C. Glaucia, against whom nothing had been expressly decreed, might not occasion any scruple to us in punishing P. Lentulus, now reduced to the condition of a private man.

And now, Romans, as the detestable leaders of this impious and unnatural rebellion are seized and in custody, you may justly conclude that Catiline's whole strength, power, and hopes are broken; and the dangers that threatened the city dispelled: for when I was driving him out of the city, Romans, I clearly foresaw that if he was once removed there would be nothing to apprehend from the drowsiness of Lentulus, the fat of Cassius, or the rashness of

he desired the favour of a supplication, or public thanksgiving. This being granted for a set number of days, the senate went in a solemn manner to the chief temples, and assisted at the sacrifices proper to the occasion; holding a feast in the temples to the honour of the respective deities. In the mean time the whole body of the commonalty kept holyday, and frequented the religious assemblies, giving thanks for the late success, and imploring a long continuance of the divine favour and assistance.

Cethegus. He was the only formidable person of the whole number, yet no longer so than while he remained within the walls of the city. He knew every thing; he had access in all places; he wanted neither abilities nor boldness to address, to tempt, to solicit. He had a head to contrive, a tongue to explain, and a hand to execute any undertaking. He had select and proper agents to be employed in every particular enterprise; and never took a thing to be done because he had ordered it; but always pursued, urged, attended, and saw it done himself; declining neither hunger, cold, nor thirst. Had I not driven this man, so keen, so resolute, so daring, so crafty, so alert in mischief, so active in desperate designs, from his secret plots within the city, into open rebellion in the fields, I could never so easily, to speak my real thoughts, Romans, have delivered the republic from its dangers. He would not have fixed on the feast of Saturn, nor named the fatal day for our destruction so long beforehand, nor suffered his hand and seal to be brought against him, as manifest proofs of his guilt. Yet all this has been so managed in his absence, that no theft in any private house was ever more clearly detected than this whole conspiracy. But if Catiline had remained in the city till this day,—though to the utmost I would have obstructed and opposed all his designs,—yet, to say the least, we must have come at last to open force; nor would we have found it possible, while that traitor was in the city, to have delivered the commonwealth from such threatening dangers, with so much ease, quiet, and tranquillity.

Yet all these transactions, Romans, have been so managed by me, as if the whole was the pure effect of a divine influence and foresight. This we may conjecture, not only from the events themselves being above the reach of human counsel, but because the gods have so remarkably interposed in them, as to show themselves almost visibly: for, not to men-

tion the nightly streams of light from the western sky, the blazing of the heavens, the thunders, the earthquakes, with the other many prodigies which have happened in my consulship, that seem like the voice of the gods, predicting these events; surely, Romans, what I am now about to say ought neither to be omitted nor pass without notice. For, doubtless, you must remember that under the consulship of Cotta and Torquatus several turrets of the capitol were struck down with lightning: that the images of the immortal gods were likewise overthrown, the statues of ancient heroes displaced, and the brazen tables of the laws melted down: that even Romulus, the founder of this city, escaped not unhurt; whose gilt statue, representing him as an infant, sucking a wolf, you may remember to have seen in the capitol. At that time the soothsayers,* being called together from all Etruria, declared, that fire, slaughter, the overthrow of the laws, civil war, and the ruin of the city and empire were portended, unless the gods, appeased by all sorts of means, could be prevailed with to interpose, and bend in some measure the destinies themselves. In consequence of this answer, solemn games were celebrated for ten days, nor was any method of pacifying the gods omitted. The same soothsayers likewise ordered a larger statue of Jupiter to be made, and placed on high, in a position contrary to that of the former image, with its face turned towards the east; intimating, that if his statue, which you now behold, looked towards the rising sun, the forum, and the senate-house, then all secret machinations

* The art of soothsaying, and predicting future events, from inspecting the entrails of beasts, was held in particular honour among the Tuscans, and cultivated with great care; being first invented by Tages, who was of that nation. We learn from history that at first only the natives of Tuscany exercised this office at Rome; but afterward the senate made an order that twelve of the sons of the principal nobility should be sent into that country, to be instructed in the rites and ceremonies of their religion, of which this secret was a chief part.

against the city and empire would be detected so evidently, as to be clearly seen by the senate and people of Rome. Accordingly, the consuls of that year ordered the statue to be placed in the manner directed; but from the slow progress of the work, neither they, nor their successors, nor I myself, could get it finished till that very day.

Can any man after this be such an enemy to truth, so rash, so mad, as to deny that all things which we see, and, above all, that this city is governed by the power and providence of the gods? For when the soothsayers declared, that massacres, conflagrations, and the entire ruin of the state were then devising; crimes, the enormity of whose guilt rendered the prediction to some incredible: yet are you now sensible that all this has been by wicked citizens not only devised, but even attempted. Can it then be imputed to any thing but the immediate interposition of the great Jupiter, that this morning, while the conspirators and witnesses were by my order carried through the forum to the temple of Concord, in that very moment the statue was fixed in its place? And being fixed, and turned to look on you and the senate, both you and the senate saw all the treasonable designs against the public safety clearly detected and exposed. The conspirators therefore justly merit the greater punishment and detestation, for endeavouring to involve in impious flames, not only your houses and habitations, but the dwellings and temples of the gods themselves: nor can I, without intolerable vanity and presumption, lay claim to the merit of having defeated their attempts. It was he, it was Jupiter himself, who opposed them: to him the capitol, to him the temples, to him this city, to him are you all indebted for your preservation. It was from the immortal gods, Romans, that I derived my resolution and foresight; and by their providence that I was enabled to make such important discoveries. The attempt to engage the Allobrogians in

the conspiracy, and the infatuation of Lentulus and his associates, in trusting affairs and letters of such moment to men barbarous and unknown to them, can never surely be accounted for, but by supposing the gods to have confounded their understandings. And that the ambassadors of the Gauls, a nation so disaffected, and the only one at present that seems both able and willing to make war on the Roman people, should slight the hopes of empire and dominion, and the advantageous offers of men of patrician rank, and prefer your safety to their own interest, must needs be the effect of a divine interposition; especially when they might have gained their ends, not by fighting, but by holding their tongues.

Wherefore, Romans, since a thanksgiving has been decreed at all the shrines of the gods, celebrate the same religiously with your wives and children. Many are the proofs of gratitude you have justly paid to the gods on former occasions, but never surely were more apparently due than at present. You have been snatched from a most cruel and deplorable fate; and that too without slaughter, without blood, without an army, without fighting. In the habit of citizens, and under me, your only leader and conductor in the robe of peace, you have obtained the victroy: for do but call to mind, Romans, all the civil dissensions in which we have been involved; not those only you have heard of, but those too within your own memory and knowledge. L. Sylla destroyed P. Sulpicius; drove Marius, the guardian of this empire, from Rome; and partly banished, partly slaughtered, a great number of the most deserving citizens. Cn. Octavius, when consul, expelled his colleague by force of arms from the city. The forum was filled with carcasses, and flowed with the blood of the citizens. Cinna afterward, in conjunction with Marius, prevailed: and then it was that the very lights of our country were extinguished by the slaughter of her most illustrious men. Sylla avenged this cruel vic-

tory; with what massacre of the citizens, with what calamity to the state, it is needless to relate. M. Lepidus had a difference with Q. Catulus, a man of the most distinguished reputation and merit. The ruin brought on the former was not so afflicting to the republic as that of the rest who perished on the same occasion. Yet all these dissensions, Romans, were of such a nature as tended only to a change in the government, not a total destruction of the state. It was not the aim of the persons concerned to extinguish the commonwealth, but to be leading men in it; they desired not to see Rome in flames, but to rule in Rome. And yet all these civil differences, none of which tended to the overthrow of the state, were so obstinately kept up, that they never ended in a reconciliation of the parties, but in a massacre of the citizens. But in this war, a war the fiercest and most implacable ever known, and not to be paralleled in the history of the most barbarous nations; a war in which Lentulus, Catiline, Cassius, and Cethegus laid it down as a principle to consider all as enemies who had any interest in the well-being of the state; I have conducted myself in such a manner, Romans, as to preserve you all. And though your enemies imagined that no more citizens would remain than what escaped endless massacre, nor any more of Rome be left standing than was snatched from a devouring conflagration; yet have I preserved both city and citizens from harm.

For all these important services, Romans, I desire no other reward of my zeal, no other mark of honour, no other monument of praise, but the perpetual remembrance of this day. It is in your breasts alone that I would have all my triumphs, all my titles of honour, all the monuments of my glory, all the trophies of my renown, recorded and preserved. Lifeless statues, silent testimonies of fame; in fine, whatever can be compassed by men of inferior merit, has no charms for me. In your remembrance,

Romans, shall my actions be cherished, from your praises shall they derive growth and nourishment, and in your annals shall they ripen and be immortalized: nor will this day, I flatter myself, ever cease to be propagated to the safety of the city, and the honour of my consulship: but it shall eternally remain on record, that there were two citizens* living at the same time in the republic, the one of whom was terminating the extent of the empire by the bounds of the horizon itself; the other preserving the seat and capital of that empire.

But as the fortune and circumstances of my actions are different from those of your generals abroad, in as much as I must live with those whom I have conquered and subdued, whereas they leave their enemies either dead or enthralled; it is your part, Romans, to take care, that if the good actions of others are beneficial to them, mine prove not detrimental to me. I have baffled the wicked and bloody purposes formed against you by the most daring offenders; it belongs to you to baffle their attempts against me: though as to myself, I have in reality no cause to fear any thing, since I shall be protected by the guard of all honest men, whose friendship I have for ever secured; by the dignity of the republic itself, which will never cease to be my silent defender; and by the power of conscience, which all those must needs violate who shall attempt to injure me. Such too is my spirit, Romans, that I will never yield to the audaciousness of any, but even provoke and attack all the wicked and the profligate: yet if all the rage of our domestic enemies, when repelled from the people, shall at last turn singly on

* By the two citizens of whom he here speaks, it is obvious to every one that he means himself and Pompey; for while he was employed at home in crushing a dangerous conspiracy, in saving the city from a conflagration, and the citizens from slaughter, Pompey was no less busied abroad in exterminating the pirates, who had so long infested the Mediterranean sea, and delivering the republic from the terrors of the Mithridatic war.

me, you will do well to consider, Romans, what effect this may afterward have on those who are bound to expose themselves to envy and danger for your safety. As to myself in particular, what have I further to wish for in life, since both with regard to the honours you confer, and the reputation flowing from virtue, I have already reached the highest point of my ambition. This however I expressly engage for, Romans, always to support and defend in my private condition what I have acted in my consulship; that if any envy be stirred up against me for preserving the state, it may hurt the envious, but advance my glory. In short, I shall so behave in the republic as ever to be mindful of my past actions, and show that what I did was not the effect of chance, but of virtue. Do you, Romans, since it is now night, repair to your several dwellings, and pray to Jupiter, the guardian of this city, and of your lives: and though the danger be now over, keep the same watch in your houses as before. I shall take care to put a speedy period to the necessity of these precautions, and to secure you for the future in uninterrupted peace.

ORATION VII.—FOURTH AGAINST CATILINE.

ARGUMENT.

Though the design of the conspiracy was in a great measure defeated, by the commitment of the most considerable of those concerned in it, yet as they had many secret favourers and well-wishers within the city, the people were alarmed with the rumour of fresh plots, formed by the slaves and dependants of Lentulus and Cethegus, for the rescue of their masters; which obliged Cicero to reinforce his guards; and for the prevention of all such attempts, to put an end to the whole affair, by bringing the question of their punishment, without further delay, before the senate; which he accordingly summoned for that purpose —The debate was of great delicacy and importance; to decide on the lives of citizens of the first rank—Capital punishments were rere, and ever odious in Rome, whose laws were of all others the least sanguinary; banishment, with confiscation of goods, being the ordinary punishment for the greatest crimes—The senate indeed, as has been said above, in cases of sudden and dangerous tumults, claimed the prerogative of punishing the leaders with death, by the authority of their own decrees —But this was looked on as a stretch of power, and an infringement on the rights of the people, which nothing could excuse, but the necessity of times, and the extremity of danger: for there was an old law of Porcius Læca, a tribune, which granted all criminals, capitally condemned, an appeal to the people; and a later one, of C. Gracchus, to prohibit the taking away the life of any citizen without a formal hearing before the people: so that some senators, who had concurred in all the previous debates, withdrew themselves from this, to show their dislike of what they expected to be the issue of it, and to have no hand in putting Roman citizens to death by a vote of the senate—Here then was ground enough for Cicero's enemies to act on, if extreme methods were pursued: he himself was aware of it, and saw that the public interest called for the severest punishment, his private interest the gentlest: yet he came resolved to sacrifice all regards for his own quiet to the consideration of the public safety—As soon therefore as he had moved the question, "What was to be done with the conspirators?" Silanus, the consul-elect, being called on to speak the first, advised, that those who were then in custody, with the rest who should afterward be taken, should all be put to death—To this all who spoke after him readily assented, till it came to Julius Cæsar, then pretor elect, who, in an elegant and elaborate speech, treated that opinion, not as cruel, "since death," he said, "was not a punishment, but relief to the

miserable, and left no sense either of good or ill beyond it; but as new and illegal, and contrary to the constitution of the republic: and though the heinousness of the crime would justify any severity, yet the example was dangerous in a free state; and the salutary use of arbitrary power in good hands had been the cause of fatal mischiefs when it fell into bad;" of which he produced several instances, both in other cities and their own; "and though no danger could be apprehended from these times, or such a consul as Cicero; yet in other times, and under another consul, when the sword was once drawn by a decree of the senate, no man could promise what mischief it might not do before it was sheathed again; his opinion therefore was, that the estates of the conspirators should be confiscated, and their persons closely confined in the strong towns of Italy; and that it should be criminal for any one to move the senate or the people for any favour towards them—These two contrary opinions being proposed, the next question was, which of them should take place; Cæsar's had made a great impression on the assembly, and staggered even Silanus, who began to excuse and mitigate the severity of his vote; and Cicero's friends were going forwardly into it, as likely to create the least trouble to Cicero himself, for whose future peace and safety they began to be solicitous: when Cicero, observing the inclination of the house, and rising up to put the question, made this fourth speech on the subject of the conspiracy; in which he delivers his sentiments with all the skill both of the orator and statesman; and while he seems to show a perfect neutrality, and to give equal commendation to both the opinions, artfully labours all the while to turn the scale in favour of Silanus's, which he considered as a necessary example of severity in the present circumstances of the republic.

I PERCEIVE, conscript fathers, that every look, that every eye is fixed on me. I see you solicitous, not only for your own and your country's danger, but, was that repelled, for mine also. This proof of your affection is grateful to me in sorrow, and pleasing in distress; but, by the immortal gods, I conjure you! lay it all aside, and without any regard to my safety, think only of yourselves and of your families: for should the condition of my consulship be such as to subject me to all manner of pains, hardships, and sufferings, I will bear them, not only resolutely, but cheerfully, if by my labours I can secure your dignity and safety with that of the people of Rome. Such, conscript fathers, has been the fortune of my consulship, that neither the forum, that centre of all equity; nor the field of Mars, consecrated by consular auspices; nor the senate-house, the principal refuge of all nations; nor domestic walls, the com-

mon asylum of all men; nor the bed, destined to repose; nay, nor even this honourable seat, this chair of state, have been free from perils and the snares of death. Many things have I dissembled, many have I suffered, many have I yielded to, and many struggled with in silence, for your quiet: but if the immortal gods would grant that issue to my consulship of saving you, conscript fathers, and the people of Rome from a massacre; your wives, your children, and the vestal virgins from the bitterest persecution; the temples and altars of the gods, with this our fair country, from sacrilegious flames, and all Italy from war and desolation; let what fate soever attend me, I will be content with it. For if P. Lentulus, on the report of soothsayers, thought his name portended the ruin of the state, why should not I rejoice that my consulship has been, as it were, reserved by fate for its preservation?

Wherefore, conscript fathers, think of your own safety; turn your whole care on the state; secure yourselves, your wives, your children, your fortunes; guard the lives and dignity of the people of Rome, and cease your concern and anxiety for me. For, first, I have reason to hope that all the gods, the protectors of this city, will reward me according to my deserts: then, should any thing extraordinary happen, I am prepared to die with an even and constant mind; for death can never be dishonourable to the brave, nor premature to one who has reached the dignity of consul, nor afflicting to the wise. Not that I am so hardened against all the impressions of humanity as to remain indifferent to the grief of a dear and affectionate brother here present, and the tears of all those by whom you see me surrounded. Nor can I forbear to own that an afflicted wife, a daughter dispirited with fear, an infant son, whom my country seems to embrace as the pledge of my consulship, and a son-in-law, whom I behold waiting with anxiety the issue of this day, often

recall my thoughts homewards. All these objects affect me—yet in such a manner that I am chiefly concerned for their preservation and yours; and scruple not to expose myself to any hazard, rather than that they and all of us should be involved in one general ruin. Wherefore, conscript fathers, apply yourselves wholly to the safety of the state; guard against the storms that threaten us on every side, and which it will require your utmost circumspection to avert. It is not a Tiberius Gracchus caballing for a second tribuneship, nor a Caius Gracchus stirring up the people in favour of his agrarian law; nor a Lucius Saturninus, the murderer of Caius Memmius, who is now in judgment before you, and exposed to the severity of the law—but traitors, who remained at Rome to fire the city, to massacre the senate, and to receive Catiline. Their letters, their seals, their hands; in short, their several confessions are in your custody, and clearly convict them of soliciting the Allobrogians, spiriting up the slaves, and sending for Catiline. The scheme proposed was, to put all, without exception, to the sword, that not a soul might remain to lament the fate of the commonwealth and the overthrow of so mighty an empire.

All this has been proved by witnesses, the criminals themselves have confessed, and you have already condemned them by several previous acts. First, by returning thanks to me in the most honourable terms; and declaring that by my virtue and vigilance a conspiracy of desperate men has been laid open. Next, by deposing Lentulus from the pretorship, and committing him, with the rest of the conspirators, to custody. But chiefly by decreeing a thanksgiving in my name—an honour which was never before conferred on any man in the gown. Lastly, you yesterday voted ample rewards to the deputies of the Allobrogians and Titus Vulturcius; all which proceedings are of such a nature as plainly

to make it appear that you already, without scruple, condemn those whom you have by name ordered into custody. But I have resolved, conscript fathers, to propose to you anew the question both of the fact and punishment, having first premised what I think proper to say as consul. I have long observed a spirit of disorder working in the state, new projects devising, and pernicious schemes set on foot; but never could I imagine that a conspiracy so dreadful and destructive had entered into the minds of citizens. Now, whatever you do, or whichever way your thoughts and voices shall incline, you must come to a resolution before night.* You see the heinous nature of the crime laid before you; and if you think that but few are concerned in it, you are greatly mistaken. The mischief is spread wider than most people imagine; and has not only infected Italy, but crossed the Alps, and, imperceptibly creeping along, seized many provinces. You can never hope to suppress it by delay and irresolution. Whatever course you take, you must proceed with vigour and expedition.

There are two opinions now before you; the first, of D. Silanus, who thinks the projectors of so destructive a conspiracy worthy of death; the second, of C. Cæsar, who, excepting death, is for every other the most rigorous method of punishing.† Each, agreeably to his dignity and the importance of the

* There were two reasons that made it necessary for the senate to come to some resolution before night: first, because it was to be feared that the friends and favourers of the conspirators would raise some tumult during the night, and attempt a rescue; secondly, because there was a necessity for dismissing the senate before night; for no decree of the senate was looked on as valid if it passed after sunset, or before sunrise.

† His opinion was, as we have already seen, perpetual imprisonment in the free towns of Italy. The speech he made on this occasion, together with his former behaviour, made him looked on as a well-wisher to the conspiracy; so that the knights, who kept guard round the senate-house, threatened to kill him as he came out of the house; and some say they would have done it, if Cicero had not protected him, and carried him home with him. Cæsar was so frightened at this, that he never came abroad again till he entered on his office of pretor the ensuing year.

cause, is for treating them with the last severity. The one thinks that those who have attempted to deprive us and the Roman people of life, to abolish this empire, and extinguish the very name of Rome, ought not to enjoy a moment's life, or breathe this vital air; and hath showed, withal, that this punishment has often been inflicted by this state on seditious citizens. The other maintains that death was not designed by the immortal gods as a punishment, but either as a necessary law of our nature, or a cessation of our toils and miseries; so that the wise never suffer it unwillingly, the brave often seek it voluntarily; that bonds and imprisonment, especially if perpetual, are contrived for the punishment of detestable crimes; that therefore the criminals should be distributed among the municipal towns. In this proposal there seems to be some injustice, if you impose it on the towns; or some difficulty, if you only desire it. Yet decree so, if you think fit. I will endeavour, and I hope I shall be able, to find those who will not think it unsuitable to their dignity to comply with whatever you shall judge necessary for the common safety. He adds a heavy penalty on the municipal towns, if any of the criminals should escape: he invests them with formidable guards; and, as the enormity of their guilt deserves, forbids, under severe penalties, all application to the senate or people for a mitigation of their punishments. He even deprives them of hope, the only comfort of unhappy mortals. He orders their estates also to be confiscated, and leaves them nothing but life; which if he had taken away, he would by one momentary pang have eased them of much anguish both of mind and body, and all the sufferings due to their crimes; for it was on this account that the ancients invented those infernal punishments of the dead, to keep the wicked under some awe in this life, who without them would have no dread of death itself.

Now, conscript fathers, I see how much my interest is concerned in the present debate. If you follow the opinion of C. Cæsar, who has always pursued those measures in the state which savour most of popularity, I shall perhaps be less exposed to the arrows of public hatred, when he is known for the author and adviser of this vote. But if you fall in with the motion of D. Silanus, I know not what difficulties it may bring me under. However, let the service of the commonwealth supersede all considerations of my danger. Cæsar, agreeably to his own dignity and the merits of his illustrious ancestors, has by this proposal given us a perpetual pledge of his affection to the state, and showed the difference between the affected lenity of busy declaimers and a mind truly popular, which seeks nothing but the real good of the people. I observe that one of those who affect the character of popularity has absented himself from this day's debate, that he may not give a vote on the life of a Roman citizen: yet but the other day he concurred in sending the criminals to prison, voted me a thanksgiving, and yesterday decreed ample rewards to the informers. Now no one can doubt what his sentiments are on the merits of the cause who votes imprisonment to the accused, thanks to the discoverer of the conspiracy, and rewards to the informers. But C. Cæsar urges the Sempronian law,* forbidding to put Roman citizens to death. Yet here it ought to be remembered that those who are adjudged enemies to the state can no longer be considered as citizens; and that the author of that law himself suffered death by the order of the people. Neither does Cæsar think that

* This law was proposed by C. Sempronius Gracchus, and had its name from the person who proposed it, as most other laws had. It decreed that no Roman citizen should be condemned to death by any judge, or even by the senate, but only by the assembly of the people; and frequently this sentence of death was allowed to be exchanged for banishment, which the old Romans thought a sufficient punishment for any crime, how great soever.

the profuse and prodigal Lentulus, who has concerted so many cruel and bloody schemes for the destruction of the Roman people, and the ruin of the city, can be called a popular man. Accordingly, this mild and merciful senator makes no scruple of condemning P. Lentulus to perpetual bonds and imprisonment; and provides that no one shall henceforward have it in his power to boast of having procured a mitigation of this punishment, or made himself popular by a step so destructive to the quiet of his fellow-citizens. He likewise adds the confiscation of their goods, that want and beggary may attend every torment of mind and body.

If, therefore, you decree according to this opinion, you will give me a partner and companion to the assembly, who is dear and agreeable to the Roman people.* Or, if you prefer that of Silanus, it will be easy still to defend both you and myself from any imputation of cruelty; nay, and to make appear that it is much the gentler punishment of the two. And yet, conscript fathers, what cruelty can be committed in the punishment of so enormous a crime? I speak according to my real sense of the matter: for may I never enjoy, in conjunction with you, the benefit of my country's safety, if the eagerness which I show in this cause proceeds from any severity of temper (for no man has less of it), but from pure humanity and clemency: for I seem to behold this city, the light of the universe, and the citadel of all nations, suddenly involved in flames.

* After the senate had decreed any thing extraordinary, it was usual for the person who proposed the decree, or him who had the chief hand in promoting it, to give an account of the affair to the people from the rostra, with a defence of the senate's conduct. This was something more than matter of mere compliment, since the people could reverse any decree of the senate. Cicero therefore tells them, that if Cæsar's opinion was followed, it would be of great service to him in getting such a person as Cæsar to appear with him in the assembly of the people; for Cæsar, even at this time, was very popular; and was, by his largesses, laying a foundation for that height of power to which he afterward raised himself.

I figure to myself my country in ruins, and the miserable bodies of slaughtered citizens lying in heaps without burial. The image of Cethegus, furiously revelling in your blood, is now before my eyes. But when I represent to my imagination Lentulus on the throne, as he owns the Fates encouraged him to hope, Gabinius clothed in purple, and Catiline approaching with an army, then am I struck with horror at the shrieks of mothers, the flight of children, and the violation of the vestal virgins. And because these calamities appear to me in the highest degree deplorable and dreadful, therefore am I severe and unrelenting towards those who endeavoured to bring them on us: for let me ask, should a master of a family, finding his children butchered, his wife murdered, and his house burnt by a slave, inflict on the offender a punishment that fell short of the highest degree of rigour—would he be accounted mild and merciful, or inhuman and cruel? For my own part, I should look on him as hard-hearted and insensible, if he did not endeavour to allay his own anguish and torment by the torment and anguish of the guilty cause. It is the same with us in respect of those men who intended to murder us with our wives and children; who endeavoured to destroy our several dwellings, and this city, the general seat of the commonwealth; who conspired to settle the Allobrogians on the ruins of this state, and raise them from the ashes of our empire. If we punish them with the utmost severity, we shall be accounted compassionate; but if we are remiss in the execution of justice, we may deservedly be charged with the greatest cruelty, in exposing the republic and our fellow-citizens to ruin: unless any one will pretend to say that L. Cæsar,*

* Lucius Cæsar was uncle to C. Julius Cæsar the dictator, and grandson of Marcus Fulvius Flaccus. His sister Julia, the widow of Marcus Antonius Criticus, was at this time married to P. Lentulus the conspirator. By her first husband she was the mother of that Mark Antony who

a brave man, and zealous for the interest of his country, acted a cruel part the other day, when he declared that the husband of his sister, a lady of distinguished merit, and that too in his own presence and hearing, deserved to suffer death; alleging the example of his grandfather, slain by order of the consul; who likewise commanded his son, a mere youth, to be executed in prison for bringing him a message from his father.* And yet what was their crime compared with that now before us? Had they formed any conspiracy to destroy their country? A partition of lands was then indeed proposed, and a spirit of faction began to prevail in the state: at which time the grandfather of this very Lentulus, an illustrious patriot, attacked Gracchus in arms; and in defence of the honour and dignity of the commonwealth, received a cruel wound. This his unworthy descendant, to overthrow the very foundations of the state, sends for the Gauls, stirs up the slaves, invites Catiline, assigns the murdering of the senators to Cethegus, the massacre of the rest of the citizens to Gabinius, the care of setting the city on fire to Cassius, and the devastation and plunder of Italy to Catiline. Is it possible you should be afraid of being thought too severe in the punishment of so unnatural and monstrous a treason, when in reality you have much more cause to dread the charge of cruelty to your country for your too great lenity, than the imputation of severity for proceed-

was afterward triumvir, and became so famous by his love for Cleopatra, and defeat at Actium.

* L. Cæsar had said that Lentulus, his sister's husband, deserved death; and, to confirm what he advanced, he mentioned the example of his grandfather, Marcus Fulvius Flaccus, who, though far less guilty, was yet slain by order of the consul Opimius. Nay, one of the sons of this Flaccus, being sent by his father as an ambassador to the consul to propose an accommodation, Opimius sent him back with severe threatenings, if he should dare to return with any other proposal besides that of an immediate surrender. The son, returning to the consul with other proposals, was seized, and, after the defeat of his party, was put to death by the consul's orders, though but eighteen years old.

ing in an exemplary manner against such implacable enemies?

But I cannot, conscript fathers, conceal what I hear. Reports are spread through the city, and have reached my ears, tending to insinuate that we have not a sufficient force to support and execute what you shall this day decree. But be assured, conscript fathers, that every thing is concerted, regulated, and settled, partly through my extreme care and diligence; but still more by the indefatigable zeal of the Roman people to support themselves in possession of empire, and preserve their common fortunes. The whole body of the people is assembled for your defence: the forum, the temples round the forum, and all the avenues of the senate are possessed by your friends. This, indeed, is the only cause since the building of Rome in which all men have been unanimous, those only excepted who, finding their own ruin unavoidable, chose rather to perish in the general wreck of their country than fall by themselves. These I willingly except, and separate from the rest: for I consider them not so much in the light of bad citizens as of implacable enemies. But then as to the rest, immortal gods! in what crowds, with what zeal, and with what courage do they all unite in defence of the public welfare and dignity? What occasion is there to speak here of the Roman knights? who, without disputing your precedency in rank and the administration of affairs, vie with you in their zeal for the republic; whom, after a dissension of many years, this day's cause has entirely reconciled and united with you.* And

* The Sempronian law had admitted the judges to be chosen out of the knights; but L. Sylla again restored this privilege to the senators only. Aurelius Cotta, a few years before this, had readmitted the knights to the right of judicature. This had occasioned a difference between the two orders for almost a century; but no sooner was Cicero entered on his consulship, than he formed the project of uniting the equestrian order with the senate, in one common party and interest. The knights, next to the senators, consisted of the richest and most splendid families of

if this union, which my consulship has confirmed, be preserved and perpetuated, I am confident that no civil or domestic evil can ever again disturb this state. The like zeal for the common cause appears among the tribunes of the exchequer,* and the whole body of the scribes; who, happening to assemble this day at the treasury, have dropped all consideration of their private affairs, and turned their whole attention on the public safety. The whole body of free-born citizens, even the meanest, offer us their assistance: for where is the man to whom these temples, the face of the city, the possession of liberty; in short, this very light, and this parent soil, are not both dear and delightful?

And here, conscript fathers, let me recommend to your notice the zeal of those freedmen, who, having by their merit obtained the privilege of citizens, consider this as their real country; whereas some born within the city, and born too of an illustrious race, treat it not as a mother soil, but as a hostile city.

Rome, who, from the ease and affluence of their fortunes, were naturally well affected to the prosperity of the republic; and being also the constant farmers of all the revenues of the empire, had a great part of the inferior people dependent on them. Cicero imagined that the united weight of these two orders would always be an overbalance to any power in the state, and a secure barrier against any attempts of the popular and ambitious on the common liberty. He was the only man in the city capable of effecting such a coalition, being now at the head of the senate, yet the darling of the knights; who considered him as the pride and ornament of their order; while he, to ingratiate himself the more with them, affected always in public to boast of that extraction, and to call himself an equestrian; and made it his special care to protect them in all their affairs, and to advance their credit and interest; insomuch, that it was the authority of his consulship that first distinguished and established them into a third order of the state.

* These were officers under the questor, employed in receiving and distributing the public money. The scribes were a very honourable order of men, whose business it was to record all public acts. They were assembled on this occasion to divide among themselves the offices for the ensuing year, viz. who should be secretary to the consuls, who to the pretors, &c. This was annually done, and, like the other offices at Rome, usually determined by lot. While they were busied about these concerns, they saw the prisoners brought to the senate-house; on which, dropping all thought of their private affairs, they came and made an offer of their assistance.

But why do I speak of men whom private interest, whom the good of the public, whom, in fine, the love of liberty, that dearest of all human blessings, have roused to the defence of their country? There is not a slave in any tolerable condition of life who does not look with horror on this daring attempt of profligate citizens, who is not anxious for the preservation of the state; in fine, who does not contribute all in his power to promote the common safety. If any of you, therefore, are shocked by the report of Lentulus's agents running up and down the streets, and soliciting the needy and thoughtless to make some effort for his rescue; the fact indeed is true, and the thing has been attempted; but not a man was found so desperate in his fortune, so abandoned in his inclinations, who did not prefer the shed in which he worked and earned his daily bread, his little hut and bed in which he slept, and the easy peaceful course of life he enjoyed, to all the proposals made by these enemies of the state: for the greatest part of those who live in shops, or to speak indeed more truly, all of them, are of nothing so fond as peace: for their whole stock, their whole industry and subsistence depends on the peace and fulness of the city; and if their gain would be interrupted by shutting up their shops, how much more would it be so by burning them? Since then, conscript fathers, the Roman people are not wanting in their zeal and duty towards you, it is your part not to be wanting to the Roman people.

You have a consul snatched from various snares and dangers, and the jaws of death, not for the preservation of his own life, but for your security. All orders unite in opinion, inclination, zeal, courage, and a professed concern to secure the commonwealth. Your common country, beset with the brands and weapons of an impious conspiracy, stretches out her suppliant hands to you for relief, recommends herself to your care, and beseeches you to take under your

protection the lives of the citizens, the citadel, the capitol, the altars of domestic worship, the everlasting fire of Vesta, the shrines and temples of the gods, the walls of the city, and the houses of the citizens. Consider, likewise, that you are this day to pass judgment on your own lives, on those of your wives and children, on the fortunes of all the citizens, on your houses and properties. You have a leader, such as you will not always have, watchful for you, regardless of himself. You have likewise, what was never known before in a case of this kind, all orders, all ranks of men, the whole body of the Roman people, of one and the same mind. Reflect how this mighty empire, reared with so much toil, this liberty established with so much bravery, and this profusion of wealth improved and heightened by such favour and kindness of the gods, were likely in one night to have been for ever destroyed. You are this day to provide that the same thing not only shall never be attempted, but not so much as thought of again by any citizen. All this I have said, not with a view to animate your zeal, in which you almost surpass me; but that my voice, which ought to lead in what relates to the commonwealth, may not fall short of my duty as consul.

But before I declare my sentiments further, conscript fathers, suffer me to drop a word with regard to myself. I am sensible I have drawn on myself as many enemies as there are persons concerned in the conspiracy, whose number you see to be very great; but I look on them as a base, abject, impotent, contemptible faction. But if, through the madness of any, it shall rise again, so as to prevail against the senate and the republic, yet never, conscript fathers, shall I repent of my present conduct and counsels: for death, with which perhaps they will threaten me, is prepared for all men; but none ever acquired that glory of life which you have conferred on me by your decrees: for to others you have decreed thanks

for serving the republic successfully; to me alone for having saved it. Let Scipio be celebrated, by whose conduct and valour Hannibal was forced to abandon Italy, and return into Africa: let the other Africanus be crowned with the highest praise, who destroyed Carthage and Numantia, two cities at irreconcilable enmity with Rome: for ever renowned be L. Paulus, whose chariot was graced by the captivity of Perses, a once powerful and illustrious monarch: immortal honour be the lot of Marius, who twice delivered Italy from invasion, and the dread of servitude: above all others, let Pompey's name be renowned, whose great actions and virtues know no other limits than those that regulate the course of the sun. Yet surely, among so many heroes, some place will be left for my praise; unless it be thought a greater merit to open a way into new provinces, whence we may retire at pleasure, than to take care that our conquerors may have a home to return to. In one circumstance, indeed, the condition of a foreign victory is better than that of a domestic one; because a foreign enemy, when conquered, is either quite crushed and reduced to slavery, or, obtaining favourable terms, becomes a friend: but when profligate citizens once turn rebels, and are baffled in their plots, you can neither keep them quiet by force, nor oblige them by favours. I therefore see myself engaged in an eternal war with all traitorous citizens; but am confident I shall easily repel it from me and mine, through your and every worthy man's assistance, joined to the remembrance of the mighty dangers we have escaped; a remembrance that will not only subsist among the people delivered from them, but which must for ever cleave to the minds and tongues of all nations. Nor, I trust, will any force be found strong enough to overpower or weaken the present union between you and the Roman knights, and this general confederacy of all good citizens.

Therefore, conscript fathers, instead of the command of armies and provinces, which I have declined; instead of a triumph, and other distinctions of honour, which for your preservation, and that of this city, I have rejected; instead of attachments and dependencies in the provinces, which, by means of my authority and credit in the city, I labour no less to support than acquire: for all these services, I say, joined to my singular zeal for your interest, and that unwearied diligence you see me exert to preserve the state, I require nothing more of you than the perpetual remembrance of this juncture, and of my whole consulship. While that continues fixed in your minds, I shall think myself surrounded with an impregnable wall. But should the violence of the factious ever disappoint and get the better of my hopes, I recommend to you my infant son, and trust that it will be a sufficient guard, not only of his safety, but of his dignity, to have it remembered that he is the son of one who, at the hazard of his own life, preserved you all. Therefore, conscript fathers, let me exhort you to proceed with vigour and resolution in an affair that regards your very being, and that of the people of Rome; your wives and children; your religion and properties; your altars and temples; the houses and dwellings of this city; your empire; your liberty; the safety of Italy; and the whole system of the commonwealth: for you have a consul who will not only obey your decrees without hesitation, but, while he lives, will support and execute in person whatever you shall order.*

* It may not now be improper to acquaint the reader with the issue of this whole affair. Cicero's speech had the desired effect; and our orator, by discovering his own inclination, gave a turn to the inclination of the senate; when Cato, one of the new tribunes, rose up, and after extolling Cicero to the skies, and recommending to the assembly the authority of his example and judgment, proceeded to declare his opinion, that since the criminals had been convicted, both by testimony and their own confession, of a detestable treason against the republic, they should suffer the punishment of death, according to the custom of their ancestors.

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Cato's authority, added to the impression which Cicero had already made, put an end to the debate; and the senate, applauding his vigour and resolution, decreed the infliction of capital punishment. The vote was no sooner passed than Cicero resolved to put it in execution, lest the night, which was coming on, should produce any new disturbance: he went directly therefore from the senate, attended by a numerous guard of friends and citizens, and took Lentulus from the custody of his kinsman Lentulus Spinther, and conveyed him through the forum to the common prison, where he delivered him to the executioners, who presently strangled him. The other conspirators, Cethegus, Statilius, and Gabinius, were conducted to their execution by the pretors, and put to death in the same manner, together with Ceparius, the only one of their accomplices who was taken after the examination. When the affair was over, Cicero was conducted home in a kind of triumph, by the whole body of the senate and the knights, the streets being all illuminated, and the women and children at the windows, and on the tops of houses, to see him pass along through infinite acclamations of the multitude, proclaiming him their saviour and deliverer. As for Catiline himself, seeing his party in the city destroyed, he was necessitated soon after to come to a battle, in which he was defeated and slain, and his whole army cut to pieces.

ORATION VIII.—FOR L. LICINIUS MURENA.

ARGUMENT.

In the comitia held by Cicero for the election of consuls, D. Junius Silanus and L. Licinius Murena were chosen to that magistracy—Soon after the election was over, a prosecution was set on foot against Murena, who was charged with having infringed the law against bribery and corruption, lately passed by Cicero—Cato had declared in the senate that he would try the force of this law on one of the consular candidates—And since Catiline, whom he chiefly aimed at, was now out of his reach (having some time before left the city, and repaired to Manlius's camp), he resolved to fall on Murena: yet connived at the same in the other consul, Silanus, who had married his sister, though equally guilty with his colleague—He was joined in the accusation by one of the disappointed candidates, S. Sulpicius, a person of distinguished worth and character, and the most celebrated lawyer of the age; for whose service, and at whose instance, Cicero's law against bribery was chiefly provided—Murena was bred a soldier, and had acquired great fame in the Mithridatic war, as lieutenant to Lucullus; and was now defended by three, the greatest men, as well as the greatest orators, in Rome,—Crassus, Hortensius, and Cicero: so that there seldom had been a trial of more expectation, on account of the dignity of all the parties concerned—The character of the accusers makes it reasonable to believe that there was clear proof of some illegal practices; yet from this speech of Cicero, who delivered himself after Hortensius and Crassus, and which, though imperfect, is the only remaining monument of the transaction, it seems probable that there were such only as, though strictly speaking irregular, were yet warranted by custom, and the example of all candidates; and though heinous in the eyes of a Cato, or an angry competitor, were usually overlooked by the magistrates, and expected by the people—The reader is to observe that Murena, at the time this oration was spoken, was consul-elect, and that it happened just at the crisis of Catiline's conspiracy, and before he was defeated—This Cicero insists mightily on in his defence, urging the necessity of having two consuls for the guard of the city at the opening of the new year, and the great imprudence there would be in setting aside one who by a military education was the best qualified to defend it in so dangerous a crisis—This consideration had such weight with the judges, that without any deliberation they unanimously acquitted Murena, and would not, as our orator elsewhere tells us, so much as hear the accusation of men the most eminent and illustrious—It may not be amiss to observe here that

Cicero all this while had a strict intimacy with Sulpicius, whom he had served with all his interest in this very contest for the consulship —He had a great friendship also with Cato, and the highest esteem of his integrity; yet he not only defended this cause against them both, but, to take off the prejudice of their authority, laboured even to make them ridiculous; rallying the profession of Sulpicius as trifling and contemptible, the principles of Cato as absurd and impracticable, with so much humour and wit that he made the whole audience very merry, and forced Cato to cry out, "What a facetious consul have we!" But, what is more observable, the opposition of these great men in an affair so interesting gave no sort of interruption to their friendship, which continued as firm as ever to the end of their lives: and Cicero, who lived the longest of them, showed the real value that he had for them both after their deaths, by procuring public honours for the one, and writing the life and praises of the other—Murena too, though exposed to so much danger by the prosecution, yet seems to have retained no resentment of it; but during his consulship paid a great deference to the counsels of Cato, and employed all his power to support him against the violence of Metellus, his colleague in the tribunate—This was a greatness of mind truly noble, and suitable to the dignity of the persons; not to be shocked by the particular contradiction of their friends, when their general views on both sides were laudable and virtuous: yet this must not be wholly charged to the virtue of the men, but to the discipline of the republic itself, which by a wise policy imposed it as a duty on its subjects to defend their fellow-citizens in their dangers, without regard to any friendship or engagements whatsoever. The examples of this kind will be more or less frequent in states, in proportion as the public good happens to be the ruling principle; for that is a bond of union too firm to be broken by any little differences about the measures of pursuing it: but where private ambition and party zeal have the ascendant, there every opposition must necessarily create animosity, as it obstructs the acquisition of that good, which is considered as the chief end of life, private benefit, and advantage—This oration was spoken in the latter end of the six hundred and ninth year of Rome, and in the forty-fourth year of our author's age, when he and Antonius were consuls.

My lords, the prayer which, according to custom and the usage of our forefathers, I addressed to the immortal gods on that day when, with the accustomed ceremonies, I declared L. Murena consul in the comitia,* by centuries; that the choice might

* The *comitia* were assemblies of the people, legally convened by magistrates, of which historians mention three several kinds; the *curiata, centuriata,* and *tributa*. The *comitia curiata* were instituted by Romulus; the *centuriata* by Servius Tullius; and the *tributa* by the tribunes of the people. They took their names from the manner in which the people voted at these assemblies. Thus, in the *comitia curiata*, they

prove happy and prosperous for me and my magistracy, for the people and commons of Rome: that very prayer do I now repeat to the same gods, that Murena may enter with safety on the possession of his consulship; that your sentiments and decisions may correspond with the wishes and votes of the Roman people: and that this may be an event productive of peace, tranquillity, ease, and concord to you and to the commonwealth of Rome. And if that solemn address in the comitia, consecrated by consular auspices, has in it a force and efficacy equal to the dignity of the state, I must likewise be understood to have prayed, that the same might be a happy, joyful, and prosperous event to those persons who, in an assembly where I presided, were chosen into the consulship. This being the case, my lords, and that all the power of the immortal gods is either transferred to, or at least communicated with you, the same consul who before recommended Murena

voted by *curiæ*; in the *centuriata*, by centuries; and in the *tributa*, by tribes. The *comitia* by centuries, of which Cicero here speaks, owe their original to the institution of the census; for Servius Tullius, obliging every one to give a true account of what they were worth, according to those accounts divided the people into six ranks, or classes, which he subdivided into one hundred and ninety-three centuries. The first class, containing the knights and richest citizens, consisted of ninety-eight centuries; the second, taking in the tradesmen and mechanics, made up two-and-twenty centuries; the third, the same number; the fourth, twenty; the fifth, thirty; and the last, filled up with the poorer sort, had but one century. These assemblies by centuries were held for the electing of consuls, censors, and pretors; as also for the judging of persons accused of actions by which the party had showed himself an enemy to the state; and for the confirmation of such laws as were proposed by the chief magistrates, who had the privilege of calling these assemblies. It is worth while here to observe, that by the institution of these *comitia* Servius Tullius secretly conveyed the whole power from the commons; for the centuries of the first and richest classes being called out first, who were three more in number than all the rest put together, if they all agreed, as generally they did, the business was already decided, and the other classes were needless and insignificant. However, the last three scarce ever came to vote. One thing may serve to give us a high idea of the lenity of the Roman laws and government; namely, that though in the election of magistrates, and the ratification of laws, the votes of that century whose suffrages were equally divided signified nothing, yet in trials of life and death, if the suffrages *pro* and *con* were equal in number, the person was actually acquitted.

to the immortal gods now recommends him to your protection: that the very voice by which his election was proclaimed being likewise employed to defend him, he may preserve the dignity to which he has been raised by the people with your safety and that of all the citizens. And because in the trial now under consideration, not only my zeal for the accused, but my very undertaking his defence is censured by the prosecutors, suffer me, before I say any thing for Murena, to speak a little in behalf of myself: not that I prefer, on the present occasion at least, my own vindication to his defence, but that having once convinced you of the uprightness of my intentions, I may with the greater authority repulse the attacks of his adversaries on his honour, fame, and fortunes.

And, first, I will vindicate my present behaviour to Cato, who governs his life by the unerring standard of reason, and diligently weighs the motives to every duty. He maintains that it was wrong in me, a consul, the author of the law against bribery and corruption, and who have behaved in my consulship with so inflexible a severity, to charge myself with the defence of Murena. This censure, my lords, is a very powerful motive with me, not only to explain the reasons of my conduct to you, to whom chiefly I owe that mark of respect, but likewise to Cato himself, a man distinguished for his integrity and wisdom. Say then, M. Cato, to whom does the defence of a consul fall more properly than to a consul? What man in the state can or ought to be dearer to me than him into whose hands I resign the care of the commonwealth, preserved by my toils and dangers? For if, in any claim on an estate sold to another, he is obliged to defend the validity of the title who in the conditions of sale warranted it to the buyer,* surely much more in the trial of a consul-

* To understand this passage aright, the reader must be informed that the person who was to dispose of a property to another was obliged to

elect, that consul whose lot it was to declare him so is bound to support him in his claim, and defend him against all attacks. For if, according to the common practice of some states, the public should appoint a patron to plead in this cause, the choice would doubtless fall on a man who, being of equal dignity with the person accused, could bring no less authority than ability to back his defence. And if mariners just returned from a voyage are very earnest to caution those whom they see setting out in relation to storms, pirates, and shores, because nature inclines us to be concerned for those who are going to encounter the same dangers we have just escaped, in what manner ought I, who, having weathered a violent tempest, begin to have a prospect of land, stand affected towards the man whom I see ready to face the mighty storms of the commonwealth? If, then, it be the duty of a good consul, not only to have an eye to present transactions, but to look forward also into futurity, I shall take occasion to show, in the progress of my discourse, of what importance it is to the common safety that there be two consuls in the republic on the first of January. And if so, it will readily be allowed that the voice of my country for the public preservation calls louder on the present occasion than my obligation to defend the fortunes of my friend.

For as to the law which I passed against bribery and corruption,* it was never surely meant to abro-

give bond, that in case this property should be evicted in law from the buyer, by one who had a prior title, then the buyer could have recourse for his indemnification on the seller.

* Cicero had passed a law against bribery and corruption, by which a candidate, convicted of that offence, was doomed to banishment for ten years. The Calphurnian law, which was prior to that of Cicero, only deprived them of their seat in the senate, and the privilege of suing for public honours. Now Cato thought it incongruous in Cicero, who had enacted so severe a law against bribery, to appear in behalf of one charged with an infraction of that very law. But to this our orator replies, that it was a primary law and rule of his conduct to undertake

gate what I had enacted some time before in relation to myself, to repel the dangers that threatened my fellow-citizens. Indeed, should I admit the charge of bribery, and yet pretend to vindicate it, I should act infamously, even had another been the author of the law. But as I maintain that nothing has been done contrary to the tenor of that law, why should my passing the law bar my defence? Cato says, that it is a deviation from my former severity, after having, by the force of reproaches, nay, in a manner by my absolute command, driven Catiline from the city, while he was meditating the destruction of his country within her walls, to plead now for L. Murena. But, in fact, I always undertook with pleasure the parts of gentleness and mercy, to which my nature strongly inclines me; nor was the rigid and severe character by any means my own choice: yet when the cause of my country forced it on me, I sustained it with a dignity becoming the majesty of this commonwealth, in the imminent danger to which her citizens were exposed. But if at that time, when the public good called for severity and vigour, I found means to conquer nature, and put on an inflexibility, not of inclination, but of necessity; now, that all circumstances invite me to humanity and pity, with what ardour ought I to return to my natural disposition and habit! But possibly I may have occasion, in another part of this speech, to enlarge still further on my duty as a defender, and your conduct as an accuser. But, my lords, if Cato's accusation gives me pain, neither am I less hurt by the complaints of the wise and accomplished Servius Sulpicius, who tells me he sees, with infinite regret and concern, that I have forgot all former ties of intimacy and friendship, in undertaking against him the defence of Murena. My lords, it is my

the defence of distressed citizens, and that as Murena was falsely charged with corruption, he could not avoid appearing in his behalf, *notwithstanding* the late law he had passed.

earnest desire to give him satisfaction in this point, and you shall be umpires between us: for as breach of friendship, if justly objected, is a very heavy charge, so even where the accusation is groundless we ought not to seem indifferent to the reproach. I readily grant, Servius Sulpicius, that in your suit for the consulship, I owed you in point of friendship all the zeal and good offices in my power; and I flatter myself I have not been wanting in the performance. Nothing was omitted by me that could be expected from a friend, a man of interest, or a consul: but that period is now past, and things have put on another face. I allow and declare it as my opinion, that I was bound to go all lengths with you in opposing Murena's preferment; but then I owe you nothing against his life. Nor does it follow that, because I was aiding to you against Murena in your demand of the consulship, I am therefore now also to assist you in an attack on Murena himself: for it is not only not commendable, but even disallowable, to refuse the defence of the merest stranger, though prosecuted by our dearest friends.

But, my lords, there has subsisted a long and intimate friendship between me and Murena, which, though it gave way to my regard for Sulpicius in a struggle about preferment, must not therefore be stifled in an impeachment that threatens his life. And was this even not the case, yet the very dignity of the person, and the illustrious rank he holds in the commonwealth, must have branded my reputation with an indelible stain of pride and cruelty, if, in so dangerous an impeachment, I had refused to undertake the defence of a man equally distinguished by his own virtues, and the honours conferred on him by the Roman people:* for I am not now at

* Murena was distinguished by many honours, that entitled him to Cicero's friendship and patronage. He was of an illustrious family, that had long made a figure in the commonwealth. His father had been questor and pretor. He himself was renowned for his virtue, and had

liberty to refuse my assistance in relieving the distresses of mankind; because, having been rewarded for my industry beyond any one that ever went before me; to desist from the toils to which I owe that reward, after obtaining the reward itself, would argue a crafty and ungrateful spirit. Was it indeed allowable for me to repose, could I do it by your advice, without incurring the charge of indolence, the reproach of pride, and the stain of inhumanity, there is no course I would more joyfully embrace. But if repugnance to labour argues supineness; a refusal of the supplicant, pride; and a neglect of friends, ingratitude; this surely is a cause of such a nature, as no man possessed of industry, compassion, or a sense of duty can refuse to undertake. Nay, it will be easy for you, Sulpicius, from the consideration of your own practice, to conjecture how I ought to behave in the present case: for if you look on yourself as bound to give your opinion, even to the adversaries of your friends, when they consult you on a point of law; and if you think it a dishonour in such a case, for the very person against whom you appear, to lose his cause; be not so unreasonable as to think, that while the rich springs of your advice are open to your very enemies, the small rivulets of my ability should be shut even to my friends; for if my friendship for you had determined me against undertaking this cause, and if the illustrious Q. Hortensius and M. Crassus, with others, who I understand set the greatest value on your esteem, had declined it for the same reason; a consul-elect would have been without a defender in a city where our ancestors never suffered even the meanest of the people to want a patron: for my own part, my lords, I could not forbear accusing myself of perfidy towards a friend, cruelty towards the

acquired great military fame in the Mithridatic war. The people too had testified their approbation of his worth, by advancing him to the ædileship, the pretorship, and now to the consulship.

unfortunate, and arrogance towards a consul, should I be wanting to Murena on this occasion. All that is due to friendship I will most liberally pay, in treating you, Servius, with the same deference and regard, as if my brother himself, who is so dear to me, was acting in your place. What duty, honour, and obligation require of me shall be conducted in such a manner as to show me mindful that I am defending the life of one friend against the resentment of another.

I understand, my lords, that the whole accusation consists of three heads; the scandal of Murena's life; the want of dignity in his character and family; and bribery in the late election. As to those three charges; the first, which should have been the most weighty, was so weak and trifling that the common forms of accusation, rather than any real ground of censure, seem to have compelled the prosecutors to touch on Murena's life. They tell us he has been in Asia, a country which he visited, not for the purposes of pleasure and luxury, but traversed in a course of military toils.* If in his youth he had neglected to serve under his father, whose lot it was to command in those parts, might it not have been presumed that he either dreaded the enemy or his father's discipline, or that his father had rejected him as unfit for the duties of war? Does custom allow sons, even before they take the robe of manhood, to sit with the general in his triumphal car;† and was Murena to decline adorning his

* L. Murena, the father of him whom Cicero here defends, was lieutenant to Sylla in Asia, in the Mithridatic war; and when Sylla, after the peace, returned to Italy, to quiet the commotions that had arisen there during his absence, he left this Murena, with two legions, to secure the tranquillity of Asia, and oblige Mithridates to make good his engagements.

† Among the Romans, their generals who entered the city in triumph were allowed to have their children and relations of both sexes, who were under age, along with them in the chariot; and if they were pretty well grown for their age, they rode on the triumphal horses; if there was a greater number of them than could be conveniently accommodated either of those ways, then they were suffered to ride behind the chariot, a on single horses.

father's triumph with military trophies, that by sharing with him in his exploits he might be entitled likewise to partake of his honours? Yes, my lords, Murena was in Asia, and bore a considerable part in encountering the dangers, relieving the fatigues, and congratulating the victories of his gallant father. And if Asia lies under any imputation of luxury, there can be no glory in having never seen it, but in living temperately in it. Therefore the name of Asia ought not to have been objected to Murena, since thence the glory of his family, the fame of his race, and the renown and lustre of his own character are derived: but his accusers should have charged him with some disgrace and blemish of life, either contracted in Asia or imported from it; for to have served in the greatest, and at that time the only war in which the people of Rome were engaged, to have served with cheerfulness in an army which his father commanded, and to see his services terminate in the victory and triumph of his father, are proofs of his courage, his piety, and his good fortune. Malice can fasten no censure on these transactions, seeing they have all an undoubted claim to praise.

Cato calls L. Murena a dancer.* If this reproach be well grounded, it is a weighty accusation; but if false, it is an outrageous calumny. Wherefore, M. Cato, as your authority carries so much influence with it, you ought never to snatch a charge from the mouths of the rabble, or the slanderous language of buffoons; nor ought you rashly to call the consul of the Roman people a dancer; but to consider how many other crimes a man must needs be guilty of, before that of dancing can be truly objected to him: for nobody ever dances, even in solitude, or a private meeting of friends, who is not either drunk or mad. Dancing is always the last act of riotous

* Dancing was in the highest degree disreputable among the Romans.

banquets, gay places, and much jollity. You hastily catch at a charge, which must necessarily be the result of all other vices, and yet object to him none of those excesses, without which that vice cannot possibly subsist; no scandalous feasts, no amours, no nightly revels, no lewdness, no extravagant expense. And if no blemishes of this kind, which, however they may pass under the name of pleasures, are in reality vices, appear in his character, do you expect to find the shadow of luxury in a man on whom you cannot fasten the imputation of luxury itself? Can nothing then be objected to the morals of Murena? Nothing at all, my lords. The consul-elect, whose cause I now defend, can be charged with no fraud, no avarice, no perfidy, no cruelty, no petulance, nor indecency of expression. So far is well: you see here the foundation of my defence; for I have not yet displayed, as I shall afterward do, almost by the confession of his enemies, the praise that belongs to him as a virtuous and worthy man.

Having settled this point, it will be the easier for 7
me to enter on the dispute relating to dignity, which was the second part of the charge. I very well know, Servius Sulpicius, that you are possessed of that eminent dignity of birth, probity, industry, and all other accomplishments, which gives you an undisputed title to aspire to the consulship. I know, too, that Murena is your equal in all those points; and so truly your equal, that neither do you surpass him in dignity, nor has he the advantage of surpassing you. You affect indeed to depreciate the family of Murena, and exalt your own. In this case, if you assume it as a principle that none but a patrician is of an honourable race, you seem again to summon the commons of Rome to the Aventine Mount. But if there are noble and illustrious families of plebeian rank, then Murena's great-grandfather and grandfather were both pretors; and his father

having from the same dignity obtained the honour of a splendid triumph, the accession to the consulship became in this the more easy to the son, that he only demanded for himself what was before due to his father. As to your nobility, Servius Sulpicius, though it be indeed of the most distinguished kind, yet is it better known to antiquaries and historians than to the people and voters at public assemblies: for your father never rose higher than the equestrian rank, nor was your grandfather illustrious by any of the principal offices of the state; so that the nobility of your race appears not from the present discourses of men, but must be searched for in the rubbish of old annals. I have therefore always reckoned you in the same class with myself, because, though but the son of a Roman knight, you have yet, by your industry and virtue, opened your way to the highest honours of your country. Nor did I ever think the merit of the brave Quintus Pompeius, though but a new man, inferior to that of the noble Marcus Æmilius;* for it argues no less magnanimity and spirit in Pompeius, to transmit to his descendants a lustre which he received not, than it does in Scaurus to have renewed by his virtue the almost extinct glory of his race.

I had indeed flattered myself, my lords, that, in consequence of my toils, obscurity of birth would no longer be an objection to many brave men; who were not only on the same footing with the Curius's, the Cato's, the Pompeius's, all old Romans, of distinguished courage and plebeian rank; but with those too of later date, the Marius's, the Didius's, and the Cælius's: for when, after such a distance of time, I had broken through that barricade of nobility, and, as in the days of our ancestors, laid the consulship open to the virtuous, as well as to the noble; and

* M. Æmilius Scaurus was of an ancient family, which yet for several ages had made no figure in the commonwealth, insomuch that he was very justly looked on as the architect of his own grandeur and fortune.

when a consul-elect, of an ancient and illustrious descent, was defended by a consul, the son of a Roman knight; I never imagined that the accusers would venture to say a word about the novelty of a family; for I myself had two patrician competitors, the one a profligate and audacious, the other an excellent and modest man; yet I outdid Catiline in dignity, and Galba in interest: and had success been a crime in a new man, I wanted not enemies and enviers to object it to me. Let us leave then this subject of their birth, in which both are eminent, and let us proceed to the other points. He stood with me, says Sulpicius, for the questorship; and I was first declared. There is no need of answering to every particular. All of you know, that when many of equal dignity are elected into the same office, and only one can obtain the honour of the first nomination, the degree of dignity can be no rule for that of the declaration: for the order of nomination is successive, whereas the parties oftentimes are of equal rank. But the questorship allotted to each of you was almost of equal importance. Murena had a province easy and quieted by the Titian law.* Ostia fell to your share, which in the allotment of provinces is generally hallooed at by the people, as being attended with more business and fatigue than power and honour. Neither of you gained any reputation in this office; because fortune had given you no field wherein to display and make known your virtues.

* Pighius, in his Annals of the Roman Commonwealth, on the year 488, gives it as his opinion, that C. Titius, a tribune of the people, passed that year a law for doubling the number of questors, and assigning them their provinces by lot. This he tells us is the very law which Cicero, in his oration for Murena, distinguishes by the name of the Titian law. Though this can be called no more than conjecture, yet it must be allowed far the most probable of any that has hitherto been offered for the clearing of this passage. The province has here the epithet of "easy" given it, because, being one of the four Italic provinces, it was remote from the tumults of war, and gave no opportunities for the exertion of military talents.

Your conduct since comes now to be examined, which differs according to your different course of life. Servius embarked with me in the city warfare of giving opinions, pleading causes, and drawing contracts: a business full of perplexity and vexation. He applied to the civil law, watched much, laboured without intermission, was always ready with his advice, bore the impertinence of many, winked at their arrogance, solved all their doubts, and lived to please others, not himself. Great is the praise, and greatly acceptable to mankind, when one man labours in a science by which multitudes are to profit. But how was Murena employed in the mean while? He served as lieutenant-general to that great commander the wise and accomplished L. Lucullus; in which capacity he headed an army, drew up his men, joined battle, defeated the numerous troops of the enemy; and partly by siege, partly by assault, took a great many of their towns. He traversed the rich and voluptuous country of Asia, so as to leave no traces behind him either of avarice or luxury; and behaved in that great war in such a manner as to perform many and important services without his general, while his general did nothing considerable without him. But though I speak this in presence of Lucullus, yet lest it should be imagined that, in consideration of our present danger, he gives me leave to exaggerate matters as I please, I appeal to the public letters sent to the senate, in which Lucullus ascribes more praise to Murena than any general, biased either by envy or ambition, would allow to another in a communication of fame. Both competitors are men of distinguished probity and rank, and would Servius give me leave, I would place the merits of both on a level in point of praise; but he will not. He depreciates the military art; he inveighs against Murena's lieutenancy; and considers the consulship as due only to the assiduities of the bar, and the tedious exercise of our

daily pleadings. "Have you lived," says he, "so many years in a camp, without so much as seeing the forum? Have you been absent so long? And now that you are at length returned, do you pretend to enter into a competition of dignity with men to whom the forum has been a place of habitation?" But let me tell you, Servius, you seem not here to consider how much satiety and disgust this constant appearance of ours sometimes creates among men. It proved indeed of unspeakable advantage to me, that my services were constantly in the eye of the public; yet was it not without great application that I conquered the disgust arising from my daily appearance. You perhaps have done the same: yet still I am apt to think that a little absence would have been no disservice to either of us. But, dropping this, let us return to the comparison of their talents and professions. Can it be a doubt with any one, whether the science of arms gives not more dignity to a candidate for the consulship than skill in the civil law? You watch all night long, to have an answer ready for those that come to consult you; and he, that he may arrive betimes at the appointed place with his army. You are waked by the crowing of the cock; he by the sound of trumpets. You draw up a process; he marshals an army. You provide against the dangers of your clients; he against those that threaten his towns or camp. He knows how to oppose and baffle the attempts of his enemies; you can guard against the inconveniences of storms and rain. He is employed in enlarging the bounds of the state; you in regulating the civil administration. In short, to speak my sentiments freely, the glory of military accomplishments takes place of every other claim to merit.

This was what first gave a name to the Roman 10
people, brought immortal renown to their city, and subdued the world to their empire. All our domestic possessions, all these noble studies of ours, all our

reputation and assiduity at the bar, derive their protection and security from martial virtue alone. The least whisper of any public tumult puts all those arts of ours immediately to silence. And because you seem to caress this science of the civil law, as a fond parent does a darling child, I will not suffer you to continue any longer in so great a mistake as to imagine that this, I cannot tell what study, which you have mastered with so much toil, is entitled to any eminent share of praise. It was from virtues of another stamp, those of moderation, prudence, justice, integrity, and every other desirable quality, that I always judged you most worthy of the consulship, and every distinction of honour. As to your ability in the civil law, I will not say it is lost labour; but this I will say, that it offers no certain prospect of the consulship: for all the arts that serve to conciliate the affections of the Roman people ought to be eminent for their dignity, and recommending by their utility.

The men who excel in military accomplishments are possessed of the highest dignity: for all that is great in the empire and commonwealth confessedly owes its establishment and continuance to them. Nor are they less eminent for their utility; since it is by their counsels and dangers that we are protected in the possession of public liberty and private property. Eloquence too has its claim to merit and praise; and is often of powerful influence in the choice of a consul, by its address and language to touch the affections of the senate, the people, and the judges. The public requires a consul who can on occasion repress the violences of tribunes, appease the fury of the people, and check the current of corruption. No wonder then if this talent has often raised men even of ignoble birth to the consulship; especially as it is so admirably calculated to beget the strongest attachments, the most universal good-will, and the firmest friendships: advantages, Sul-

picius, of which that art you so much value is entirely destitute: for, first, what dignity can there be in so trifling a science? the subjects themselves are minute, almost wholly confined to single letters, and the stops of sentences: and then, whatever admiration might have attended this study with our forefathers, now that the whole mystery is divulged, it is fallen into utter disgrace and contempt. But few were able to tell formerly, whether an action could be brought or not; for in those days there was no public calendar. The persons consulted were in mighty esteem, and resorted to as the Chaldeans of old, to give notice of the days on which actions were allowed. At last a scribe, one Cn. Flavius, outwitted this tribe of conjurers; set up a calendar with the proper distinction of days; and pillaged the very lawyers themselves of their knowledge. They, in great wrath, and fearing that actions might be brought without them, now the proper court-days could be known, set themselves to contrive certain forms of proceeding to render their intervention necessary in all causes.*

Though it would answer very well in determining 12

* This whole story may be learned from Pomponius's Enchiridion, whose words are still extant in the book of Pandects, where they treat of the origin of the civil law. It will be sufficient to transcribe what relates to the present passage, for the sake of such as are unacquainted with this piece of history. "Then almost at the same time actions or forms were composed out of those laws, by which men disputed with one another; which actions, lest the people should appoint them when they pleased, were reduced to stated and solemn terms; and this part of the law was called the forms of the law. Thus, almost at one time, these three kinds of laws sprang up; the laws of the twelve tables; from them proceeded the civil law; and from the civil law, the actions of law. But the knowledge of all these, with the actions themselves, was confined to the pontifical college, out of which the judges of private property were every year appointed; and the people went by this usage for near a hundred years. Afterward, when Appius Claudius had digested and modelled these actions, Cn. Flavius, his scribe, the son of a freedman, stole the book, and published it for general use. This present was so agreeable to the people, that he was made tribune of the commons, senator, and curule edile. Thence the book containing those forms is called the Flavian civil law."

a claim: "That Sabine farm is mine: nay, 'tis mine: after which give judgment:" yet this the lawyer will by no means allow. "The farm," says he, "which lies in the Sabine country, commonly so called." Verbose enough. But what next? "I claim by the laws of the land as my property." Go on: "And therefore I now give you legal warning to quit possession." The defendant, meanwhile, has nothing to answer to this tedious round of law-jargon. Then the lawyer, like a flute-player at a comedy, going over to the side of the defendant, frames this reply: "From those premises whence you gave me legal warning to depart, I now in like manner order you to retire." Here the pretor, lest he should think himself happy in being at liberty to say something of his own, is obliged to repeat a commonplace form, as on other accounts ridiculous, so particularly for this, that it is absolutely devoid of meaning or use. "Let the two parties present," says he, "advance this way. Go." Instantly a sage presents himself to regulate their steps. "Return," says the pretor: on which the same master of the ceremonies conducts them back. Even the bearded gentlemen themselves often smile at this farce; to see men ordered to quit a place where they stand quietly and conveniently, that when they have left it, they may immediately return to it again. Every thing was infected with the like impertinences. "When I see you personally present in court." And again: "Do you offer to speak, when your pretensions have been overruled?" While these forms were kept secret, there was a necessity for having recourse to those to whom they were known; but after they became public, and began to be canvassed and examined, they were found quite void of all meaning, but replete with roguery and folly: for though our laws abound in admirable institutions, yet have the refinements of lawyers perverted every thing. Our ancestors ordained that

women, as being less capable to manage for themselves should be under the direction of guardians. But lawyers have invented a species of guardians, whose authority is subordinate to that of their wards. Nothing was more earnestly studied by our forefathers than to perpetuate religious rites: but the ingenuity of these gentlemen has devised a method, in which old men, by a pretended purchase, exempt the heir from the servitude of these ceremonies. In short, they have quitted the study of equity in the law, and attached themselves wholly to terms: insomuch, that because the word "Caia" occurs in some of their books, they have concluded that all women concerned in any contract ought to be so named. Nor has it less appeared a matter of wonder to me, that so many ingenious men have not to this day been able to determine whether they ought to say, the third day, or the day after to-morrow; judge, or arbiter; an action, or a plea.

As I have said, therefore, there can be no consular 13
dignity, and far less any lustre, in a science which rolls entirely on trivial and empty forms; for what is open to all, and alike serviceable to my adversary and me, can never surely be accounted engaging. You have therefore not only lost all hope of being serviceable to others, but the very form of addressing you for advice is fallen into disuse. Can any man be accounted wise for his ability in a science which without the walls of Rome is of no manner of use, and in vacation time is useless even in Rome itself? Sure there can be no cunning in a part of knowledge, which is so obvious to all men, that it is impossible there should be any dispute about it. Nor was any thing ever accounted difficult because it was contained in a few, and those very plain, words. Nay, if you provoke me, entangled as I am in other affairs, I will yet profess myself a lawyer in three days' time; for all the writing business of this profession is contained in certain forms

already reduced to writing: nor are any of these so obscurely worded, as that I shall be at a loss to perceive their meaning. As to the consultive part, nothing is so easy as giving one's opinion: for if you answer as you ought, even Sulpicius himself could not have done better: but if otherwise, you will pass for one thoroughly skilled in the controverted points of law. And thus, not only is military glory preferable to your forms and decisions; but even the practice of speaking conduces far more to the attainment of public honours than does the exercise of your profession. I am therefore of opinion that the aim of the greater part at first was eloquence; which finding above their reach, they sank into civilians: for as we commonly say of Greek artists, that an indifferent harper may make a good piper; so we see some who are incapable of turning out orators fall into the profession of lawyers. The practice of speaking is attended with much toil: the study itself is important, full of dignity, and formed to beget popularity. To you, men apply for good counsel; but to the orator for preservation and safety. Besides, your answers and decisions often vanish before a good speaker, and can never support themselves without the aid of eloquence: in which had it been my happiness to make any considerable progress, I should be more sparing in its praises. What I now say is no way applicable to myself, but to those only who are or have been eminent in pleading.

4 There are two arts capable of placing men in the highest degree of dignity; that of a good general, and that of a good orator. The one secures to us all the advantages and ornaments of peace; the other protects us from the terrors and dangers of war. Other virtues, it must be allowed, are not without their share of praise, such as justice, honour, modesty, temperance; virtues in which you, Servius, are universally known to excel. But the dispute at

present is about the arts that lead to preferment, not the intrinsic worth of particular persons. All these studies vanish at once from our sight, as soon as any new commotion beats the alarm to war; for, as an ingenious poet of approved merit says, "When war is declared, not only the wordy counterfeit of good sense, but Wisdom herself, the mistress of affairs, quits the field. Violence bears sway: and the orator himself, not the tedious and prattling only, but the approved and excellent, falls into contempt. The grim soldier is caressed: legal proceedings cease; and claims are made good, not in the ordinary course of law, but by force of arms." If this be the case, Sulpicius, in my opinion the forum must yield to the camp, repose to war, the pen to the sword, and the shade of retirement to the scorching beams of the sun; in fine, that must always have the first rank in a state to which the state itself is indebted for its superiority over all others. But Cato pretends that I exaggerate too much the military virtues of my friend, and seem to have forgot that the Mithridatic war was little other than a war with women. But I am of a very different opinion, my lords, and must therefore endeavour to set you right in relation to that war, though with all possible brevity, as the stress of my defence rests not here; for if all the wars in which we have been engaged with the Greeks are to be derided as trifling, what should hinder us from ridiculing the triumph of M. Curius over king Pyrrhus; of T. Flaminius over Philip; of M. Fulvius over the Ætolians: of L. Paulus over king Perseus; Q. Metellus over the counterfeit Philip; and of L. Mummius over the Corinthians? But if these were really considerable wars, and the victories that terminated them important, why do you despise the Asiatic nations, and so formidable an enemy as Mithridates? It appears to me, by the records of former times, that the people of Rome had a very dangerous war to maintain

against Antiochus; in which L. Scipio, sharing the glory of conquest with his brother Publius, added the same honour to his name by the reduction of Asia, as the other had before done by the reduction of Africa. It was in this war that your great-grandfather M. Cato so eminently distinguished himself by his valour. And if, as I am apt to believe, he was a man of a like character with yourself, I shall never be persuaded he would have attended Scipio in that war, had he thought they were to have to do only with women. Nor indeed would the senate have engaged Scipio Africanus to serve as lieutenant under his brother, when he had so lately driven Hannibal out of Italy, forced him to abandon Africa, crushed the power of Carthage, and delivered the republic from the greatest dangers, had not that been considered as a weighty and formidable war.

And, indeed, if you diligently weigh the power of Mithridates, his great actions, and the real character of the man, you will find reason to rank him above all the princes with whom the Roman people were ever at war. He was a prince whom L. Sylla, who, to say the least of him, was no raw commander, though at the head of a brave and numerous army, and ready to join battle, yet suffered to depart in peace from Asia, which he had filled with all the calamities of war: a prince, whom L. Murena, the father of him whom I now defend, after harassing him with indefatigable industry and vigour, and reducing him to the greatest straits, found it yet impossible wholly to subdue: a prince who, after taking some years to recruit his revenues and armies, recovered so much power and spirit as to think of joining the ocean with the Pontic sea, and the troops of Sertorius with his own. Two consuls were sent to this war, the one to attack Mithridates, the other to defend Bithynia. The latter miscarrying both by land and sea, rather added to the power and reputation of the king; but Lucullus signalized

himself by so many great actions, that we meet with no war in history either more important in itself, or managed with greater courage and conduct: for when the whole collected force of the war stood at the walls of Cyzicum, and Mithridates, regarding that city as the gate of Asia, flattered himself that by destroying her bulwarks he would lay the whole province open to his depredations, Lucullus took his measures so effectually as both to defend the city of our faithful allies, and entirely consume the king's army by the length of the siege. What! do you regard the naval fight at Tenedos as a slight and inconsiderable engagement, when the enemy's fleet, with full sail, and under the fiercest leaders, flushed with hope and expectation, was making for the coast of Italy? I forbear to speak of battles, and the many sieges that happened during the war. When at length he was driven from his kingdom, so powerful was his authority and address, as by conciliating the king of Armenia to his cause, to re-establish it by a new accession of strength and forces.

Was it my business to recount here the exploits of our army and general, I might give a detail of many very considerable engagements. But that is not the point at present. This, however, I will take on me to say, that if this war, this enemy, this monarch, had been despicable, the senate and people of Rome would not have thought it necessary to use so much precaution in their preparations; never would the war have lasted so long; never could Lucullus have returned from it with so much glory; nor would the Romans have been so earnest to intrust the finishing of it to Cn. Pompey: of all whose innumerable battles, none seems to me to have been fiercer than that so obstinately disputed with this king; who, finding means to escape with some troops, and taking refuge in Bosphorus, whither our army could not penetrate, supported, even in the lowest ebb of flight and fortune, the name and reputation of

a monarch. Accordingly, Pompey, having taken possession of his kingdom, and driven him from all his known haunts and territories, made yet so great account of the life of this one man, that though by his victory he became master of all that Mithridates held, laid claim to, or aspired after, he nevertheless did not look on the war as finished till he had driven Mithridates out of the world. And do you, Cato, despise an enemy who for so many years, and in so many battles, has opposed so many of our generals? whose life, even in expulsion and exile, was so highly accounted of, that the war was never looked on as finished till the news came of his death. It is in this war, I contend, that L. Murena, in the character of lieutenant-general, distinguished himself by his undaunted courage, his consummate prudence, and his indefatigable industry; nor do these qualities recommend him with less advantage to the consulship than does our practice at the bar and in the forum.

But Servius, I am told, was declared first, in the competition for the pretorship. Do you then exact from the people, as if in virtue of some contract, that because they once gave the preference to a man in a point of honour, he has therefore a right to it on all succeeding occasions? What sea, what narrow strait, is agitated with more fluctuations and changes than are the tossings and tumults of popular assemblies? One day intermitted, or one night, often throws all into confusion: and the least breath of rumour sometimes entirely changes the inclinations of the people. Often, without any apparent cause, the very reverse of what we expected happens, insomuch that even the people sometimes wonder at the event, as if it did not wholly proceed from themselves. Nothing is more unstable than the multitude, nothing more impenetrable than the mind of man, nothing more fallacious than the issue of elections. Who could have imagined that L. Phi-

lippus, so eminent for his parts, application, interest, and birth, would have been baffled by M. Herennius? or Q. Catulus, with his known character of humanity, wisdom, and integrity, by Cn. Manlius? or M. Scaurus, so able a statesman, so worthy a citizen, and so brave a senator, by Q. Maximus. These great men so little expected such a repulse, that when the affair was over, they could not comprehend how it had happened: for as tempests are often portended by certain appearances of the heavens, and often arise suddenly and unexpectedly from some obscure cause; so in the storms attending popular elections, you often can perceive whence they take their rise; but often too the cause is so obscure that the whole seems the mere effect of chance.

But if we must give a reason for it, two things were conspicuously wanting in Murena's suit for the pretorship, which both contributed greatly to his being chosen consul: one, the expectation of public games, which was increased by certain reports, and the affected talk and discourse of his rivals:* the other, that they who had been witnesses to his libe-

* Two things were wanting to Murena when he stood candidate for the pretorship, the absence of which contributed not a little to render him less acceptable to the people than his competitor Sulpicius. Both these attended him in his suit for the consulship, and enabled him in the end to triumph over his rival. One of these was the expectation of public games, which had been fomented by various rumours, and the studied insinuations of his fellow-candidates. Murena had never been edile, and therefore had no opportunity of recommending himself to the favour of the people by an exhibition of public games. This was a great disadvantage to him when he sued for the pretorship; because the other candidates, having enjoyed that magistracy, and the means it furnished of becoming popular, failed not to boast of the zeal they had shown to please the people, and encouraged the rumours against Murena, whom they represented as one that had declined the office out of parsimony. His pretorship, however, restored this opportunity of acquiring popularity; because it fell to his lot, as city pretor, to exhibit the games sacred to Apollo, which he did in a most magnificent manner, and thereby so effectually ingratiated himself with the people, that when he stood candidate for the consulship, he found his interest greatly increased, and was even chosen in preference to Sulpicius.

rality and bravery while he served as lieutenant in the province were not yet returned from the province to Rome. Fortune reserved both these advantages to give weight to his solicitation for the consulship: for the army of Lucullus assembling at Rome, to attend that general's triumph, assisted Murena in his applications; and in his pretorship he entertained the people with magnificent public shows, which were wanting when he stood candidate for that dignity. Are these, think you, weak and feeble helps to a consulship? to be supported by an army, powerful in the number of troops, and of considerable interest by its friends: besides, that in the election of a consul, the suffrages of the soldiers have always been of great authority with the whole body of the Roman people: for generals, and not interpreters of words, are the successful candidates at a consular election. Accordingly, there is much weight in a speech like this: "He relieved me when I was wounded; he enriched me with plunder; under his conduct we stormed the enemies' camp, after having vanquished them in battle: he imposed no hardships on his soldiers in which he did not share himself: always brave, always successful." How prevalent must a discourse of this kind be to raise a man's reputation, and conciliate the good-will of the people? For if the voices of the prerogative century are still regarded with religious awe, so as to pass for a favourable presage, what reason is there to wonder that the fame and discourse of Murena's good fortune prevailed for him on this occasion?

9 But if you make light of these advantages, which yet are in reality of very great account, and prefer the suffrages of citizens to those of soldiers; at least let me advise you to suppress your contempt for the elegance of Murena's plays, and the magnificence of his scenes, which did him so much service; for what need is there of putting you in mind how

much the people and unthinking vulgar are delighted with the public shows? The fact is incontestable, and abundantly serves my present purpose; since, in assemblies for elections, the people and multitude are always predominant. If then the magnificence of public spectacles gives such content to the people, there is the less reason to wonder that Murena thereby so effectually gained their favour: for if even we, whom business restrains from the pursuit of pleasure, and who in the course of our engagements often find pleasure enough, are yet sometimes amused and diverted by the public shows, why should we be surprised at the thoughtless multitude? My brave friend L. Otho has restored to the equestrian order not only their dignity, but likewise their pleasure.* Accordingly this law, relating to the public spectacles, is of all others the most agreeable; because it secures to a very honourable class of men, along with the splendour of their rank, the convenience also of their diversions. Therefore, take my word for it, the public games not only delight those who confess, but those too who affect to speak of them with indifference; as I myself experienced in the course of my preferment, when it was my turn to engage in this contest of magnificence. But if I, who when edile exhibited three solemn shows, was

* L. Roscius Otho, tribune of the people, published a law for the assignment of distinct seats in the theatre to the equestrian order who used before to sit promiscuously with the populace: but by this law fourteen rows of benches, next to those of the senators, were to be appropriated to their use; by which he secured to them, as Cicero says, both their dignity and their pleasure. Some time after, during the consulship of Cicero, and while the grudge was still fresh, Otho, happening to come into the theatre, was received by the populace with a universal hiss, but by the knights with loud applause and clapping; both sides redoubled their clamour with great fierceness, and from reproaches were proceeding to blows; till Cicero, informed of the tumult, came immediately to the theatre, and calling the people out into the temple of Bellona, so tamed and stung them by the power of his words, and made them so ashamed of their folly and perverseness, that on their return to the theatre they changed their hisses into applauses, and vied with the knights themselves in demonstrations of their respect to Otho.

yet alarmed by the splendour of the games given by Antonius, can you, who chanced to exhibit none, imagine that this silver scenery of Murena, which you so much ridicule, was of no prejudice to your cause? But let us suppose all these points in dispute between you equal; that the accomplishments of the forum have no less merit than those of the field; that the interest of the city voters is as great as that of the army; that there is no difference between exhibiting the most magnificent shows, and no shows at all; yet do you imagine that in the exercise of the pretorship there was no pre-eminence in his allotment over yours.

His allotment was that of deciding causes,* which all of us, your friends, wished to have been yours; an allotment in which the importance of the charge conciliates glory, and the distribution of justice popularity; an allotment in which a wise pretor, like Murena, avoids offence by the equity of his decisions, and cultivates the good-will of the people by the lenity of his behaviour: a noble province, admirably cultivated to smooth his way to the consulship, and in which the praise of his equity, probity, and affability was crowned by the engaging exhibition of public shows. But what was your allotment? a sad and savage inquiry into corruption; on the one side filled with tears and nastiness, on the other with chains and evidences.† Judges forced

* The pretors at Rome had different provinces assigned them; some being appointed to take cognizance of private, others of public causes; some to determine in civil, others in criminal matters. The city pretor presided in private causes, and the other pretors in questions relating to crimes. The latter therefore were sometimes called inquisitors, because they inquired into the crime, as our coroners; the first barely pronounced the law. This was the lot of Murena, who was therefore city pretor, a grateful magistracy, and peculiarly honourable at Rome.

† The inquisition of criminal matters belonged at first to the kings, and after the abrogation of their government, for some time to the consuls; but being taken from them by the Valerian law, it was conferred, as occasion happened, on officers deputed by the people, with the title of inquisitors: but about A. U. C. 604, the power was made perpetual, and appropriated to the pretors, by virtue of an order of the people at their

to sit on public trials, and detained against their inclination; a scribe condemned, and the whole order alienated; the bounties of Sylla reversed; many brave men, and almost half the city, disobliged; damages estimated with rigour; they that are pleased forget; they that are hurt remember. Last of all, you refused to go to your province. I cannot blame you for a conduct which I followed myself, both when pretor and consul: but neither ought I to omit that Murena gained many friends and much reputation in his province. In his journey thither he made a levy in Umbria, where the republic gave him an opportunity of displaying his liberality; of which he made so good a use, as to engage in his interest a great many tribes which are composed out of the corporations of Umbria. When he arrived in person in Gaul, such was his equity and application that he enabled our collectors to recover a great many desperate debts. You, meanwhile, I am ready to allow, was employed in the service of your friends at Rome: but suffer me to put you in mind that there are some friends very apt to cool in their regard towards those by whom they see provinces despised. 21

And now, my lords, that I have shown Sulpicius and Murena to have been alike in point of dignity, as candidates for the consulship, but unlike in the destination of their provincial concerns, I shall declare more plainly in what my friend Servius was

annual election; the inquisition of such and such crimes being committed to such and such pretors. These crimes were such actions as tended either mediately or immediately to the prejudice of the state, and were forbid by the laws; as if any person had derogated from the honour and majesty of the commonwealth; had embezzled and put to ill uses the public money, or any treasure consecrated to religion; or had corrupted the people's votes in an election; or had extorted contributions from the allies; or received money in any judgment; or had used any violent compulsion to a member of the commonwealth. The allotment of Sulpicius was the question relating to public money, which Cicero calls a disagreeable and hateful office, because the pretor was sometimes necessitated to pass very severe judgments, which involved whole families in sorrow and ruin.

inferior to the other; and repeat that in your hearing, now the affair is over, which I often told himself in private while the election was pending. I was frequently then wont to tell you, Servius, that you knew not how to make application for the consulship; and even in those very points in which I beheld you act and speak with courage and magnanimity, I yet failed not to intimate that in my opinion you made rather a brave senator than a wise candidate. First, the terrors and threats of an impeachment, of which you was every day so lavish, sufficiently proclaim the man of spirit: but then they also abate among the people the hopes of a candidate's success, and weaken the zeal of his friends. I know not how, yet is this always the case: nor is it found to hold in one or two instances only, but in many, that as soon as a candidate discovers an inclination to impeach, he is thought to despair of the honour to which he aspires. But how? would you have me lay aside all resentment of injuries? Far from it: but there is a time for soliciting and a time for prosecuting. I would have a candidate, especially for the consulship, to appear in the forum and in the field of Mars, with great hopes, a great spirit, and a great party. It looks not well when he is prying after matter for an impeachment; when he is procuring witnesses instead of votes; when he is threatening, instead of flattering; when he is making declarations, instead of paying compliments; especially as it is now become a custom for candidates to go the round of all the electors, who, from their air and countenance, form a judgment of their hopes and interest. "Did you observe how sad and dispirited he looked? Why, he is quite abashed; he desponds, he gives up the cause." Instantly the rumour creeps round, "What! don't you know he is meditating an impeachment? that he is prying into the conduct of his competitors? that he is searching after witnesses? I'll give

my interest to another; for this man evidently despairs of success." The nearest friends of such candidates are immediately damped: they lose all their zeal, and either wholly give up a cause which they look on as desperate, or reserve all their influence for the judgment and accusation that is to ensue.

To this we may add, that the candidate himself 22
cannot employ his whole spirit, care, attention, and application towards the promoting his solicitation; for his mind runs likewise on the impeachment, which, far from being a slight affair, is perhaps the most important of all others. It is no easy matter to furnish yourself properly for driving a man of wealth and interest out of the city—one who by himself, by his friends, nay, and even by strangers, is amply provided with all the means of defence; for we are all very ready to lend our assistance in repelling danger; and, where no declared enmity subsists, find ourselves prompted to perform the highest offices of friendship to the merest strangers, when threatened with a capital indictment. Accordingly, having learned from experience the solicitude attending the function of a candidate, a defender, and an accuser, I find it to be this: that in a candidate there is required an assiduous court, in a defender an anxious zeal, and in an accuser an unremitting industry. I therefore take on me to assert that it is impossible for the same man to acquit himself with ability and address as a candidate for the consulship and the manager of an impeachment. Few people can support any one of these characters with dignity, but no man both. When you, Servius, quitted the track of a candidate, and turned your thoughts to the business of accusing, did you flatter yourself with being equal to both duties? It was a great mistake if you did; for from the time that you professed yourself an accuser,

say if so much as a single day passed that was not wholly engrossed by the concerns of that office.

You urged the public for a law against bribery and corruption, for which there seemed to be but little occasion, as the Calpurnian law was already very rigorous and severe.* However, a proper regard was shown to your request and dignity. But that whole law, which perhaps would have strengthened your accusation, had the impeached been guilty, was rather prejudicial to your demand of the consulship. A heavier penalty was extorted against the people; the poorer sort were alarmed; exile was denounced against our order. The senate, indeed, yielded to your request; but it was not without reluctance that, in consequence of your importunity, they were brought to impose rigorous penalties on those of a middling fortune. A punishment was annexed to all excuses of illness: this offended many, who were either obliged to abandon the consideration of their health, or for its sake relinquish all the other advantages of life. But let me ask you, who proposed these laws?—the man who was moved thereto by the authority of the senate and your entreaties; in short, the man who had no expectation of advantage from them. Do you imagine that the proposal of yours, which the senate in a full house rejected to my entire satisfaction, was not considerably prejudicial to your cause? You strove to introduce a confusion of votes, a suspension of the Manilian law,† and to level all distinc-

* C. Calpurnius Piso, who was consul the same year with M. Glabrio, passed a law against bribery and corruption, by which the criminal was excluded from all public honours, and condemned in a certain fine. But this law appeared too mild to Sulpicius: he got another passed during Cicero's consulship, by which it was enacted, that those who sold their votes should be subject to a mulct, and that a candidate convicted of bribery should be banished for ten years. It likewise took away all pretences of absence on account of illness, that the party impeached might not thereby have an opportunity of protracting or evading his trial.

† Mention has already been made of the great advantage which the

tions of interest, power, and dignity. Many persons of worth, and eminently considerable in their own cities and corporations, were much displeased that a man of your character should aim at abolishing all degrees of honour and merit. You was likewise for empowering the prosecutor to nominate judges; by which the secret animosities of citizens, which are now confined within the bounds of silent dislike, would have broke out against the fortunes of every worthy patriot. All these regulations cleared the way to your impeachment, but obstructed your success as a candidate; and gave that mortal blow to your pretensions which I was not wanting to warn you of. But the ingenious and eloquent Hortensius has already spoken fully and solidly to this point; insomuch, that the province assigned me is the more difficult, because, coming after him and M. Crassus, a man of the greatest dignity, application, and eloquence, I am obliged, as last speaker, not to confine myself to any particular part of the charge, but to give my opinion of the whole matter. Thus am I constrained to run over almost the same heads, and in some measure, my lords, anticipate your judgment.

But what a mortal stab, Servius, did you give to your pretensions, when you raised that terror among the people, of Catiline's being chosen consul, by dropping your solicitation, and busying yourself about the impeachment! For they beheld you with a disconsolate air collecting informations: they saw the dejected looks of your friends, their prying, their affidavits, their closeting witnesses, their caballing with solicitors—all which are apt to throw a gloom

distribution of the people into centuries gave to men of property in Rome. An alteration of the manner of voting seems to be what Cicero here speaks of, and that Sulpicius solicited a law that the votes of all the centuries should be gathered indiscriminately, so that the candidate should not know which century was for, or which against, him. It would seem as if there had been a law of one Manilius to this purpose, and that it was abrogated, but now restored by Sulpicius.

over the countenance of a candidate. Meanwhile they observed Catiline gay and cheerful, surrounded with a crowd of young men, encompassed by informers and assassins, flushed with his hopes in the soldiery, and, as he pretended, with the promises of my colleague, while a whole army of rustics from Arretium and Fesulæ were swarming round him; a motley crowd, and rendered the more conspicuous by the contrast of those who had suffered by the proscriptions of Sylla.* The countenance of Catiline himself was full of fury, his eyes of guilt, and his speech of arrogance; insomuch that he seemed already secure, nay, in actual possession, of the consulship. He despised Murena: he regarded Sulpicius, not as his competitor, but his accuser; he denounced vengeance against him, and threatened his country with ruin.

Do not expect that I should put you in mind of the dread which this occasioned among all good men, and how desperate the condition of the republic would have been, had he succeeded in his demand of the consulship. Your own memory will help you to this reflection; for doubtless you have not forgot the words which that infamous gladiator was universally known to have used in a meeting at his own house, when he affirmed that the wretched could nowhere hope to find a faithful and able defender but in one wretched like themselves; that citizens oppressed with calamities and distresses ought never to trust to the promises of the prosperous and happy; that therefore such as were willing to repair their exhausted fortunes, and recover

* The dissimilitude consisted chiefly in this, that the people of Fesulæ and Arretium had been enriched by the spoils of the civil war, conferred on them by Sylla, these being colonies of the dictator's own planting. Others again had been divested of their estates and fortunes by Sylla, to satisfy the cravings of his veterans, to whom he had promised an allotment of lands. These, too, in a view of recovering the possessions they had been so unjustly deprived of, eagerly joined in the party of Catiline.

what had been taken from them, need only to consider how much he was involved, how little he possessed, and what he dared to do; that the man who aimed at being a leader and protector of the unfortunate ought indeed to be very miserable, but quite void of fear. When the report of this speech became public, you may remember that, on my proposing the affair to the consideration of the senate, they thought proper to defer the assembly for the election of consuls, that they might have time to deliberate on a business of so great importance. Accordingly, the next day, in a full house, I called on Catiline, and commanded him to clear himself, if he could, as to those facts of which I had been informed; but he, who was always very open in these matters, without attempting to palliate his behaviour, rather owned and justified the charge. He told us that there were two bodies in the republic; the one of them infirm, with a weak head—the other firm, without a head; which last had so well deserved of him, that it should never want a head while he lived. The whole body of the senate was heard to groan; yet were their decrees nowise answerable in severity to the indignity of the insult: for many acted remissly because they thought there was no danger, and others were held in awe by their fears. He then broke out of the senate with a triumphant joy, though he ought never to have been suffered to depart from it alive; especially as he had declared a few days before in the same house, on the brave Cato's threatening him with an impeachment, that if any flame should be excited in his fortunes, he would extinguish it, not with water, but a general ruin.

Startled by these declarations, and because I knew 26
that Catiline was to bring a body of armed conspirators into the field of Mars, I likewise repaired thither with a strong guard of brave citizens, and that broad

shining breastplate,* which was not so properly intended for defence (for Catiline, I knew, was not accustomed to aim at the side, or the belly, but at the head and the neck) as to rouse the attention of the honest and worthy, that, when they saw their consul in fear and danger, they might fly to his protection and assistance; which accordingly happened. Therefore, Servius, when the public saw you abate in the keenness of your solicitations, while Catiline appeared inflamed with eagerness and hope, all who wished to repel that plague from the republic immediately declared for Murena. This sudden turn of the inclinations of the people at consular elections is very strong, especially where it leans towards a worthy citizen, whose suit is backed with many other powerful recommendations; for when a candidate, distinguished by the merit of his father and ancestors, by his modest behaviour in his youth, by the fame he acquired as lieutenant-general, by a pretorship illustrious in the exercise of justice, grateful in its functions, and crowned with unspotted reputation in provincial command, petitioned earnestly for the consulship, and in such a manner as to be daunted by no menaces himself, and to be above using menaces to others, ought we to be surprised if the sudden hope Catiline conceived of obtaining the consulship disposed the people to unite immediately in such a man's favour? But now the third head of accusation, relating to the crime of bribery, which has been already so fully cleared up by the

* As Cicero, from the many daring declarations of Catiline, had reason to suspect some violence was intended to his person, he thought fit to appear in the field of Mars, attended by a band of young noblemen; and, that he might imprint a sense of his own and of the public danger the more strongly, he took care to throw back his gown in the view of the people, and discovered a shining breastplate, which he wore under it; by which precaution, as he told Catiline afterward to his face, he prevented his design of killing both him and the competitors for the consulship, of whom D. Junius Silanus and L. Licinius Murena were declared consuls-elect.

gentlemen who spoke before me, must again be touched on, in compliance with Murena's desire. And here I shall take occasion to answer what has been said by my accomplished friend Posthumius, touching an intended distribution of money among the people; and the seizure of it in the hands of those with whom it was deposited, by the ingenious and worthy Servius Sulpicius, with regard to the centuries of Roman knights;* and by M. Cato, a man adorned with every virtue, in relation to his own accusation, the decree of the senate, and the condition of the republic.

But first let me premise somewhat by way of complaint, touching the present hard fortune of Murena, which has made a very sudden impression on my mind. I have often before this, my lords, from a consideration of the miseries of others, and the daily toils and cares to which I am exposed, been tempted to think those the happiest men who, remote from the pursuits of ambition, courted ease and tranquillity of life: but now, that I behold the great and unexpected dangers which threaten Murena, I am so struck with concern that I cannot sufficiently bemoan our common lot, nor the fate and fortune of my friend; who, on his very first attempt to mount one step above those honours which have been so long in the possession of his family and ancestors, saw himself in danger, not only of losing all he inherited from them, but even the acquisitions of his own industry; insomuch that his pursuit of new praise threatens the entire subversion of his former fortune. These, my lords, are real hardships; but, what is still more afflicting

* Sulpicius pretended that the centuries of Roman knights had been corrupted by Murena, whose son-in-law Natta, it seems, had invited them to an entertainment. Here we are to observe that Servius Tullius, having divided the whole Roman people into six classes, and these classes into a hundred and ninety-three centuries, ranked the knights in the first class, of which they composed eighteen centuries.

in the case of my friend, his accusers have not been prompted to this impeachment by any motives of personal resentment, but have been drawn into personal resentment by their zeal for impeaching: for, not to mention Servius Sulpicius, whose animosity against Murena flows, not from any injurious treatment, but a dispute about preference, he is accused by Cn. Posthumius, his father's friend, who owns him for his old acquaintance and intimate companion; and who assigns many reasons why he should love Murena, but can offer none to justify his hatred: he is accused by Servius Sulpicius, the companion of his son, whose amiable character should strengthen the attachment of his father's friends: he is accused by M. Cato, who not only has no particular ground of quarrel with Murena, but seems born to employ his interests and talents for the protection of the merest strangers, without suffering them to prove destructive even to his greatest enemy. I will therefore first reply to Posthumius; who, though a solicitor for the pretorship, seems to me, I cannot tell why, to run full against a consular candidate, as if a vaulter on horseback should leap into the seat of a chariot.* If his competitors were no way in fault, he has only yielded to their dignity in dropping his pretensions; but if any of them has bribed, a friend must be sought for to prosecute another's injuries rather than his own.

I come now to M. Cato's charge, which is the prop and strength of this whole impeachment, and

* This metaphor is taken from the dexterity of those who in horse-races could vault from one horse to another without interrupting the course; for Posthumius, a candidate for the pretorship, had quitted his pretensions to that dignity, for the purpose of impeaching Murena, a candidate for the consulship. This was truly matter of surprise. For why did he not rather prosecute some of his fellow-candidates? did he expect to see this task undertaken by some friend, who was to entangle himself in avenging another's injuries? "This," says Cicero, "is, as if one of your vaulters, instead of jumping from one horse on another, should spring into a chariot and four and thereby change the course from a horse to a chariot-race,"

whose zeal and reputation carries so much weight that I am more afraid of his authority than his accusation. And here, my lords, give me leave to entreat, that neither the dignity of the accuser, nor the expectations conceived of his tribuneship, nor the merit and lustre of his whole character may be of any prejudice to Murena on this occasion: nor let those many good qualities of M. Cato, which he possesses for the benefit of mankind, prove hurtful to him alone. Publius Africanus had been twice consul, and demolished Carthage and Numantia, those two great terrors of the Roman empire, when he accused L. Cotta. He was possessed of the most consummate eloquence, the most untainted honour, and the most unblemished integrity; and his authority was equal to that of the whole empire of the Roman people, which was supported chiefly by his services. And yet I have often heard people of advanced age declare that this eminent merit of the accuser was of the highest service to L. Cotta: for the judges in that cause, who were men of the most distinguished prudence, thought it dangerous to leave any room to suspect that the criminal had been borne down by the superior weight of his adversary. Did not the people of Rome rescue Sergius Galba* (for so tradition informs us) from the hands of your great-grandfather, M. Cato, a brave and illustrious citizen, who was bent on his destruction? It appears in the history of this state, that the people in general, and all wise judges who had the good of posterity in view, have ever been jealous of the power and interest of an accuser. I like not

* Galba, being accused before an assembly of the people, by Libo, a tribune of the commons, for having, while pretor in Spain, contrary to the public faith given, treacherously fallen on the enemy, and put a great number of them to the sword, offered at no other defence than by producing his children before the people, and recommending them to the protection and compassion of the assembly. This had so powerful an effect towards mitigating the public resentment, that he was acquitted of the crime laid to his charge.

to see an impeacher appear in court with an overbearing power, with superior interest, with a prevailing authority, and too extensive a credit. Let all these advantages prevail for the safety of the innocent, the protection of the helpless, and the relief of the miserable; but let their influence be repelled from the dangers and destruction of citizens: for if any one should say that Cato would not have taken the pains to accuse if he had not been assured of the crime, he establishes a very unjust law to men in distress, by making the judgment of an accuser to be considered as a prejudice, or previous condemnation of the criminal.

So great is the opinion I have of your virtue, Cato, that I dare not presume to censure your conduct; in some instances, perhaps, I might be able a little to polish and amend it. Says the aged monitor to his brave pupil, "You are not wrong in many things, but if you are, I know how to set you right." But I can with great truth say of you, that you are never in fault, nor at any time so far deviate from what is right as to stand in need rather of correction than a gentle admonition: for Nature herself has formed you to honour, wisdom, temperance, magnanimity, justice; in short, to all the virtues becoming a great and an excellent man. To all these you have added a temper and discipline, not mild and flexible, but, as appears to me, rather rougher and more intractable than either nature or reason require. And because this speech is not addressed to an illiterate multitude, or an assembly of rustics, give me leave to enlarge a little with regard to these politer studies, which are so well known and grateful both to you and me. Know then, my lords, that those divine and admirable qualities which we discern in Cato spring truly and properly from himself: but that sometimes he appears to be blemished with defects is not the fault of his nature, but of education; for there was a man of a sublime genius,

named Zeno, whose disciples and followers are called Stoics His sentiments and tenets are, that a wise man ought never to be influenced by favour, nor ever to pardon an offence; that it is an argument of weakness and folly to be softened by sentiments of compassion; that a truly manly character is equally inaccessible to entreaties and prayers; that the wise man alone is beautiful, however distorted in appearance; that he alone is rich, though surrounded with the most abject poverty; and that in the most despicable state of slavery, he only is a king; that we again, who are not entitled to the prize of wisdom, are fugitives, exiles, enemies, and, in short, madmen; that all crimes are equal; that every offence is a mortal sin; that he who smothers a cock, without necessity, is no less guilty than the man who smothers his father; that the wise man never doubts, never repents, is never deceived, and never changes his mind.

These are the principles which the ingenious M. 30
Cato, induced by the reputation of the inventor and his followers, has thought proper to adopt; not for show and disputation, as is often the case, but to serve as standing rules of behaviour. Do the farmers of the revenue petition for some abatement? take care that nothing be done merely from a principle of favour. Are you addressed in suppliant terms by some people overwhelmed with misery and distress? you are in the highest degree blameable and guilty if you give the least ear to the dictates of compassion. Does a man acknowledge his fault, and humbly sue for pardon? it were a crime of the deepest die to forgive. But is it a slight offence? all faults are alike. Have you once said a thing? it is fixed and unalterable. But you did not decide in the matter, you only gave your opinion? a wise man has no opinion. Does any one pretend you have been mistaken? this is construed into the highest affront. It is to these doctrines that we are

indebted for the present prosecution. I said in the senate that I would impeach one of the consular candidates.* But you were in a passion when you said so. A wise man, returns he, is never in a passion. The particular conjuncture, perhaps, required such a declaration. None but a rogue will deceive by a lie. To alter one's sentiments is shameful; to yield to prayers and entreaties a crime; and to be compassionate a scandalous weakness. But the masters that I followed (for I will own to you, Cato, that in my youth, distrusting my own capacity, I too sought assistance from learning), the masters, I say, that I followed, who had formed themselves on the principles of Plato and Aristotle, and professed a more moderate and reasonable philosophy, tell me that a wise man is sometimes swayed by affection; that compassion is essential to the character of a good man; that faults differ in kind and degree, and ought therefore to differ also in respect of punishment; that steadiness is not inconsistent with a disposition to forgive; that the sage frequently contents himself with opinions, where he finds it impossible to arrive at absolute certainty; that he is sometimes liable to anger; that he may be softened and appeased; that he scruples not to depart from what he has said, where reason prompts him so to do; that he sometimes changes his mind; and that all virtue consists in a certain mediocrity.

Had it been your fortune, Cato, with that dispo-

* What Cicero observes here could not fail of contributing greatly to lessen the charge against Murena. Cato accuses him, not that in fact he had done any thing contrary to law, but because he, Cato, had said in the senate that he was resolved to impeach some consular candidate. Any other person, not infected with the obstinacy of Stoicism, would have made no scruple to own that he had expressed himself so in anger, and therefore now chose to drop his design. But such an acknowledgment was by no means to be expected from Cato, who would thereby seem to deviate from the gravity and firmness of a wise man. Murena therefore must be impeached, because the Stoics thought anger inconsistent with the character of a wise mam, and Cato claimed that character as belonging to himself.

sition you inherit from nature, to have studied under masters like these, you would not, indeed, have been a better, a bolder, a more temperate, or a juster man, for that were impossible: but you would have been a little more inclinable to gentleness. You would not, without either injury or provocation, have accused the most modest man on earth, and one eminent for his merit and dignity; you would have thought, as fortune had destined you both to magistracies the same year, that there was a sort of political relation subsisting between you; and as to the invectives you threw out against him in the senate, you either would have suppressed them altogether, or put them off till another time, or at least considerably softened their asperity. But, as far as I am able to judge, experience will bend, age mitigate, and length of time qualify that impetuosity of spirit, that predominant force of nature and genius, which at present, through the recent impressions of philosophy, hurry you on to a kind of savage and stubborn virtue: for, in my opinion, your teachers and professors of wisdom have stretched the bounds of moral duty rather beyond what nature requires.* Our desires, indeed, should prompt us to aim at the highest perfection; yet still prudence must determine where it will be proper to stop. You are for pardoning nothing; many things, it must be owned, are without the reach of pardon, yet some at least have a reasonable claim. You utterly disclaim the influence of favour or affection; by all means stifle these emotions, where honour and duty require you so to do. You think it criminal to yield to the dictates of compassion; it is so in cases that require

* By this we are to understand the extreme and ultimate point, as it were, of duty. The metaphor is taken from the boundaries of lands, which serve to divide and mark their proper limits. Cicero here insinuates that the Stoics had extended the bounds of virtue beyond what the nature of things would allow, placing the ultimate perfection of goodness in a certain rigour and inflexible severity, that exceeded the reach and condition of human nature.

severity; but on many occasions humanity is praiseworthy. Persevere in your resolutions. True; unless some better resolution offers on a clearer view of things. Such were the sentiments of the great Scipio; who, like you, was not ashamed to keep at his house a man of profound learning, and almost approaching to divinity; whose precepts and conversation, though the same with those which you so much admire, were yet so far from rendering him untractable, that, as I have learned from some of his contemporaries, he was the gentlest of all men. Who was more affable, who more agreeable than C. Lælius, though a follower of the same philosophy? At the same time, who was there that equalled him in weight and wisdom? I might say the same of L. Philippus, and C. Gallus; but let me now lead you into your own family. Do you believe that your great-grandfather Cato fell short of any man in affability, politeness, complaisance, and the most extensive humanity? accordingly, when you spoke so fully and feelingly of his eminent virtues, you told us that you had a domestic model for your imitation. He is indeed an unexceptionable model; but the similarity of genius may be more conspicuous in you, who are so nearly allied to him by descent; yet still is he no less an example for my imitation than yours. But were you to temper your austerity and gravity with his affability and politeness, it would not indeed add to the excellency of your virtue, which is already perfect; but it would at least, by a proper seasoning, render it more agreeable.

To return then to the point in question: away with the name of Cato from this cause; think no more of an authority which in a court of justice ought to avail nothing, or at least only to save. Join issue with me on the crimes themselves. What is your accusation, Cato? What do you charge him with before the judges? On what does the indict-

ment turn? Do you impeach him of corruption? It is a crime that admits of no defence. You blame me for defending a cause which falls under the censure of my own law. That law was made against corruption, not against innocence; nor is corruption less criminal in my eyes than in yours. You tell me that a decree passed in the senate at my instance, declaring it an infringement of the Calpurnian law for candidates to procure attendants and followers by distributing money, by exhibiting shows of gladiators, or entertaining the populace with dinners. The senate then judges these things, if done, to be contrary to law: but where a candidate yields exact obedience, then nothing is decreed against him. The great question therefore is, whether the fact was committed; for, that once proved, there can be no doubt as to the infringement of the law. Now it is ridiculous to leave that which is doubtful without a thorough examination, and to try a point that can admit of no doubt: for it was at the desire of all the candidates that this decree passed, that it might never be known against whom, or in whose favour, the law was intended. Prove then that L. Murena was guilty of these overt acts, and I shall without hesitation allow that they are expressly contrary to law.

A great many people, you say, went out to meet him, when he returned from his province, to stand for the consulship. This is no more than common. What man, on his return home, is not met by a multitude of his friends? but who were those numbers? First, supposing I was unable to satisfy you in this point, yet what reason is there to wonder that a great many went to meet a citizen so illustrious for his merit, and a consular candidate? had it been otherwise, the wonder would have been much greater. What if I should even say, since the custom is by no means unusual, that a great many were invited; is it either criminal or a matter of surprise,

that in a state where we scruple not on invitation to attend the summons of the meanest citizens, even before day, and from the most remote parts of the city, men should think it no trouble to appear in the field of Mars by nine o'clock, especially when invited in the name of so illustrious a citizen? What if all the several companies had come, from among whom many now sit here as judges? what if many of the most distinguished men of our order? what if the whole officious race of candidates, who never suffer a man to enter the city without paying him some mark of respect? if, in short, our accuser himself, Posthumius, had come to meet him at the head of a great retinue? what is there wonderful in all this multitude of attendants? I say nothing of his clients, his neighbours, those of the same tribe, nor of the army of Lucullus, which was then come to Rome to attend the triumph of their general. I will venture to affirm that this gratuitous concourse of friends, on such an occasion, was never wanting to support the dignity, nay, even to answer the desire, of whoever required it: but he had a vast train of followers. Show them to have been hired, and I will allow it criminal; but if that does not appear, how can you deem him guilty?

"But what occasion," says our adversary, "for all that train of followers?" Do you ask me what occasion there is for a practice which has been so long in general use? Men of low condition have this only method of meriting or requiting the services of us senators, by their assiduity and attendance while we stand candidates for public offices: for it is neither possible, nor indeed to be required of us and the Roman knights, that we should attend our friends for whole days together in their demand of public honours. If they frequent our houses, if they sometimes conduct us to the forum, if they give us their company a piazza's length, we seem to be sufficiently honoured and respected. The

assiduity of constant attendance is never expected but from men of ordinary rank, and free from the encumbrance of business; and of these, the good and generous are never without a sufficient number. Do not therefore, Cato, deprive the lower order of mankind of this fruit of their good offices. Suffer them who hope every thing from us to have it likewise in their power to pay us somewhat in return. Had we nothing to expect from them but their votes, it would avail us little, because they have no great weight in elections. In short, as they themselves are wont to say, they cannot plead for us, they cannot bail us, they cannot invite us to their houses: these are services they expect from us; nor have they any prospect of requiting the good offices we do them, but by the zeal and assiduity of their attendance. Accordingly they opposed both the Fabian law,* which limited the number of attendants, and

* The Fabian law against corruption limited the number of followers that were to attend a candidate into the field of Mars. But the people strenuously opposed this law, and could be deterred by no penalties from expressing this mark of their regard for the great, founded in ancient custom. As to the decree of the senate here mentioned, it is to be referred to the year when Cicero declared himself a candidate for the consulship. He had no less than six competitors, P. Sulpicius Galba, L. Sergius Catiline, C. Antonius, L. Cassius Longinus, Q. Cornificius, and C. Licinius Sacerdos. The two first were patricians, the two next plebeians, yet noble; the two last the sons of fathers who had first imported the public honours into their families; Cicero was the only new man among them or one born of equestrian rank. In this competition, which happened during the consulship of L. Cæsar and C. Figulus, the practice of bribing was carried on so openly and shamefully by Antonius and Catiline, that the senate thought it necessary to give some check to it by a new and more rigorous law; but when they were proceeding to publish it, L. Mucius Orestinus, one of the tribunes, put his negative on them. This tribune had been Cicero's client, and defended by him in an impeachment of plunder and robbery; but having now sold himself to his enemies, made it the subject of all his harangues to ridicule his birth and character, as unworthy of the consulship. In the debate, therefore, which arose in the senate on the merit of his negative, Cicero, provoked to find so desperate a confederacy against him, rose up, and after some raillery and expostulation with Mucius, made a most severe invective on the flagitious lives and practices of his two competitors. In this speech he counsels the senate to limit the number of attendants on a candidate; but the tribune still persisting in his negative, the proposal came to nothing; so that there was no law now in force which Murena could be said to have infringed.

the decree of the senate, which was made in the consulship of L. Cæsar: for no penalty has yet been found sufficient to restrain people of meaner rank from this old method of expressing their attachment to the great. But public shows were exhibited to the tribes, and dinners were given to the populace. Though this, my lords, was not done by Murena himself, but by his friends, in moderation, and according to custom; yet now that the thing is suggested to my remembrance, I cannot help desiring you to reflect, Servius, how many votes are lost, by bringing these inquiries before the senate; for where was the time, either in our own memory or that of our fathers, when this spirit, whether of ambition or liberality, did not allot a place in the circus and the forum to our friends, and those of our own tribe? This custom began among the lower order of the people, and by degrees spread.

15 It is known that the master of the artisans once allotted a place to those of his own tribe: what shall we determine then with respect to men of quality, who hire whole booths in the circus for the same purpose? All these accusations, Servius, regarding retinue, shows, and even entertainments are attributed by the multitude to your over-scrupulous exactness; when Murena is even justified in these points by the authority of the senate. For, tell me, does the senate think it criminal for a person to be met on his return home? No; unless he hires people for that purpose. Prove this then on my client. Does it forbid a multitude of attendants only when they are bribed? Make this appear. Are feats at the public shows, or invitations to dinner, prohibited? never but when they are given promiscuously. But how promiscuously? why, to all without exception. If L. Natta, a youth of distinguished birth and courage, of whom we justly conceive the highest hopes, enrolled himself in the centuries of knights, to conciliate their favour, and

secure their interest for the time to come, ought that to be imputed to his step-father as a crime or fraudulent step? or if a vestal virgin, his relation and friend, resigned to him her seat at a show of gladiators, was it not a proof of affection in her, and a favour he might accept without danger of censure? All these are no more than the duties of friends, the perquisites of inferiors, and the privileges of candidates. But Cato argues with austerity, and in the character of a Stoic. He says it is unjust to conciliate favour by giving entertainments to the people; that in conferring offices, the votes ought not to be influenced by the allurements of pleasure; and that if a candidate invites another to supper with this view, his conduct is justly liable to censure. What, says he, do you solicit the chief command, the highest authority, and the administration of the commonwealth, by pampering the senses, soothing the inclinations, and administering to the pleasures of mankind? Do you aspire to be master of the revels to a troop of delicate youths, or to obtain the command of the world from the Roman people? An alarming speech! but refuted by our lives, our manners, our practice, and the constitution itself: for neither the Lacedæmonians, the first institutors of this way of living and talking, who at their daily meals recline on a hard board; nor the Cretans, who never indulge themselves in a lying posture at table, have been more successful in the management of public affairs than the Romans, who divide their time between business and pleasure. Nay, let me add, that the Cretans were destroyed in a single campaign; and the Lacedæmonians are indebted to our protection for the preservation of their laws and constitutions.

Therefore, Cato, censure not too severely these 36
customs of our ancestors, which our present flourishing condition and the long continuance of our empire sufficiently justice. Q. Tubero, a man of

learning in the days of our forefathers, and distinguished by his birth and personal merit, had imbibed the same principles which you follow. When Q. Maximus, in memory of his uncle Africanus, was preparing an entertainment for the Roman people, he desired this Tubero, who was the son of Africanus's sister, to furnish out a dining-room on the occasion. On which this learned Stoic covered some plain wooden beds with goat-skins, and loaded them with earthen dishes; as if they had been commemorating the death of Diogenes the cynic, and not of the great Africanus: a man so divine, that when Maximus pronounced his funeral oration, he thanked the immortal gods for his being a native of this commonwealth; because to whatever place his services were attached, there the empire of the universe could not fail to reside. And indeed the people of Rome highly resented this ill-judged wisdom of Tubero, in celebrating the obsequies of so great a man. Accordingly, this unblemished and excellent citizen, though the grandson of L. Paulus, and the son of Africanus's sister, was tossed in those goat-skins out of the pretorship. The people of Rome hate private luxury, but are fond of public magnificence; they don't love profusion in entertainments, but far less a sordid penurious economy: they know how to distinguish times and duties, and the vicissitudes of labour and pleasure: for as to your assertion, that nothing but merit ought to influence the minds of men, in conferring public honours; your own very practice, great as your merit is, runs directly counter to it: for why do you ask any one to favour your pretensions, and promote your suit? You request me to grant you the command over me, and put myself under your authority. But why so? does it belong to you to request that of me, or ought not I rather earnestly to solicit you to expose yourself to dangers and fatigues for my sake? What do you mean by keeping a nomenclator? the thing

itself is a mere cheat: for if it be your duty to call the citizens by their names, it is a shame for your slave to know them better than yourself: but if you really know them, where is the necessity for a monitor?* why do you not speak to them before he has whispered you? or, after he has whispered, why do you salute them, as if you knew them yourself? or, when you have gained your election, why do you grow careless about saluting them all? All this, if examined by the rules of social life, is right; but if by the precepts of your philosophy, very wicked. Therefore neither are the people of Rome to be deprived of the gratification arising from shows, gladiators, and public feasts, all which our ancestors have provided for our entertainment; nor are candidates to be excluded from the privilege of conferring those favours, which are rather marks of generosity than corruption.

But you tell me, it was your regard for the com- 37
monwealth that induced you to undertake this impeachment. I easily believe, Cato, that you came here with that intention and design; but you obstruct your own purpose, for want of due reflection. For my own part, my lords, I am far from dissembling, how much friendship, and a concern for Murena's

* As at Rome the people had much to give, and therefore expected to be much courted, every man who aspired to any public dignity made it his business to learn the name, place, and condition of every eminent citizen, what estate, what friends, and what neighbours he had. For this purpose he entertained a slave or two in his family, whose sole employment it was to learn the names and know the persons of every citizen at sight, so as to be able to whisper them to his master, as he passed through the streets, that he might be ready to salute them all familiarly, and shake hands with them, as his particular acquaintance. Plutarch says the use of these nomenclators was contrary to the laws; and that Cato for that reason, in suing for the public offices, would not employ any of them, but took all that trouble on himself. But that notion is here fully confuted by Cicero, who rallies the absurd rigour of Cato's stoical principles, and their inconsistency with common life, from this very circumstance of his having a nomenclator. As for Cicero himself, whatever pains he is said to have taken in this way, it appears that he constantly had a nomenclator at his elbow on all public occasions.

dignity, weigh with me on this occasion; but at the same time allow me to declare, nay, and in the strongest terms proclaim, that I am no less moved by a regard to the peace, ease, concord, liberty, lives, and safety of us all. Hear, hear your consul, who, not to speak arrogantly, thinks of nothing day and night but of the republic. Catiline does not despise us so far as to hope to subdue this city with the force which he has carried out with him. The contagion is spread wider, and has infected more than you imagine. The Trojan horse is within our walls; which, while I am consul, shall never oppress you in your sleep. If it be asked, then, what reason I have to fear Catiline? none at all; and I have taken care that nobody else need fear him: yet I say that we have cause to fear those troops of his which I see in this very place. Nor is his army so much to be dreaded as those who are said to have deserted it: for in truth they have not deserted, but are left by him only as spies on us, and placed, as it were, in ambush to destroy us the more securely. All these want to see a worthy consul, an experienced general, a man both by nature and fortunes attached to the interests of the republic, driven by your sentence from the guard and custody of the city. I have already blunted their swords, and checked their audacious attempts in the field of Mars: I have baffled them in the forum, and repressed their rage even within my own house: but should you on this occasion give them up one of the consuls, they will gain much more advantage by your decision than they have been able to do by their swords. It is of great importance, my lords, and what I have laboured and effected in spite of much opposition, that there be two consuls in the commonwealth the first of January. Do not imagine that in effect of moderate counsels, by common means, a pestilent law, or the pernicious influence of corruption, the republic is threatened with no more than an ordinary danger.

Designs have been hatched, my lords, within this state, to destroy the city, murder the citizens, and extinguish the Roman name. Citizens, citizens, my lords, if it be not unlawful to call them by that name, have devised, and at this very time are devising, all these mischiefs against their country. I am daily employed in unravelling their pernicious schemes, crushing their audacious attempts, and opposing the torrent of their guilt. But suffer me to remind you, my lords, that my consulship is on the point of expiring: withdraw not then him who is to succeed me in my vigilance and care: take not from me the man to whom I wish to deliver over the commonwealth unviolated, that he may defend it from the mighty dangers to which it is exposed.

But, my lords, do you not see the additional evils 38
that threaten us? Here I address you, Cato; have you no foresight of the storm that impends over your magistracy? for, so early as yesterday's assembly, the pernicious voice of your colleague elect thundered in our ears;* against which your own prudence, and the joint concurrence of all the honest, who were so anxious to raise you to the tribuneship, have thought it necessary to use much precaution. All the pernicious schemes that have been in agitation for three years past, since the time that L. Catiline and Cn. Piso formed the design of massacring the senate, are at this period and season, and during these months, ready to burst forth. Where is the place, my lords, where the time, where the day, where the night, in which I have not been snatched and rescued from the snares and swords of these traitors, less indeed by my own foresight,

* Cato, retiring into Lucania, to spend some time at an estate he had in the country, suddenly altered his mind, and by the persuasion of his friends returned the same day to Rome, with a view of offering himself a candidate for the tribuneship, that he might be the better able to oppose the pernicious designs of Metellus Nepos, who, as he was informed on his journey, was making interest for the same dignity.

than by the watchful care of the immortal gods? Nor did their attempts against me flow from personal hatred, but from their desire to deprive the commonwealth of a consul watchful for its preservation: and believe me, Cato, they have the same designs against you, could they by any means compass them; nay, at this very time they labour and are intent on them. They are no strangers to your courage, your capacity, your authority, and your abilities to defend the state. But when they shall perceive the tribunican power destitute of the consular aid and authority, they think it will be more easy to oppress you in that weak and defenceless condition: for they are no way afraid of another consul's being substituted in the room of Murena, because they perceive that affair will be entirely in the power of your colleagues. Thus are they in hopes, that the illustrious Silanus being without a colleague, and you without the aid of a consul, the republic will be exposed naked and defenceless to their attempts. Amid these important concerns and imminent dangers, it is incumbent on you, Cato, who are not born for me, or for yourself, but for your country, to weigh well the matter now before you, to preserve your assistant, your defender, your associate in the government, a consul not ambitious, a consul such as the present juncture requires, whose fortune disposes him to cherish tranquillity, whose experience fits him for the affairs of war, and whose abilities and spirit are equal to every purpose you can desire.

But, my lords, this whole affair depends entirely on you; in the cause now before you, the preservation and prosperity of the commonwealth rest on your decision. Was Catiline, and the band of profligates he has carried along with him, to have been judges in this affair, he would have eagerly condemned Murena; nay, could it have been effected, he would not have scrupled to assassinate him. His schemes require that the commonwealth be deprived

of her supports, that the number of generals capable of opposing his fury be lessened, that the tribunes of the people, having rid themselves of so formidable an adversary, be more at liberty to blow the flames of discord and sedition. And shall men distinguished for their integrity and wisdom, selected from the most conspicuous orders of the state, pass the same judgment, as would a most audacious gladiator, and declared enemy of his country? Believe me, my lords, you are in this cause, not only to determine the fate of Murena, but likewise to decide on your own safeties. We are now come to the crisis and extremity of our danger; there is no resource or recovery for us, if we now miscarry; it is no time to throw away any of the helps which we have, but by all means possible to acquire more. The enemy is not on the banks of the Anio,* which was thought so terrible in the Punic war, but in the city and the forum. Good gods! (I cannot speak it without a sigh) there are some enemies in the very sanctuary; some, I say, even in the senate! The gods grant that my brave colleague may in arms be able to quell this impious rebellion of Catiline; while I, in the gown, with the assistance of all the honest, will endeavour, by the most prudent measures, to dispel the other dangers with which the city is now big. But what will become of us, if they should slip through our hands into the new year, and find but one consul in the republic, and him employed, not

* In the second Punic war, when M. Fulvius, the consul, was besieging Capua, and had reduced it to such extremities that it must in a short time surrender, Hannibal, the Carthaginian general, after several vain attempts to relieve it, came to a sudden resolution of investing Rome; hoping that Fulvius, alarmed at the danger which threatened his country, would quit the siege of Capua, and fly to the assistance of the capital. Accordingly, he advanced with his army as far as the river Anio, and encamped within three miles of Rome. This occasioned some terror at first, and a debate arose in the senate about recalling Fulvius from Capua; but Fabius Maximus, vigorously opposing this motion, soon changed the fear of the Romans into contempt; and Fulvius was permitted to continue the siege of Capua, which in a short time after he compelled to surrender.

in prosecuting the war, but in providing a colleague?* Then this plague of Catiline will break out in all its fury. Already it threatens the people in the remoter parts of Italy, and will soon spread into the neighbourhood of Rome itself. Massacre and bloodshed will take possession of our camps, fear of our senate, faction and discord of the forum, armies of the field of Mars, and desolation of our provinces; while the terrors of fire and sword will pursue us through every haunt and retreat. Yet all these long-projected evils may be easily dispelled by the wisdom of our magistrates, and the zeal of the citizens, if we deprive not the commonwealth of the protection of her consuls.

40 In these circumstances, my lords, let me in the first place admonish you, out of regard to the commonwealth, which ought to be the dearest object of affection to every citizen, and in consideration of my unwearied, and by you experienced, zeal for the interests of my country; let me, in consequence of the authority I am clothed with as consul, exhort you, and, from my sense of the greatness of the danger, conjure you, to be watchful over the ease, the peace, the welfare, the safety of your own lives, and those of your fellow-citizens. In the next place, I entreat and request, my lords, out of friendship to Murena, and by all the ties that bind me to defend

* On a supposition of Murena's being cast, P. Silanus would have remained sole consul. This was the more dangerous at that time, as the daring and desperate designs of the conspirators seemed more than ever to require the vigorous administration of two consuls. Whereas, by setting aside one, and entangling the other in a dispute with the tribunes about a new election, public affairs would be neglected, and no measures could be properly taken to avert the storm that threatened to break on the state. This was the circumstance which chiefly favoured Murena, it appearing neither safe nor prudent, in such difficult times, and while a rebellion was actually on foot, to deprive the city of a consul, who by a military education was the best qualified to defend it in so dangerous a crisis. Accordingly, Cicero urges this consideration here with all the warmth of rhetoric, and we find it had such weight in the issue with the judges, that without any deliberation they unanimously acquitted Murena; and would not, as Cicero himself informs us, so much as hear the accusation of men the most eminent and illustrious.

him, that you will not add a new load of affliction to one already overwhelmed with anguish of body and trouble of mind, nor convert his late congratulations into a flood of sorrow. But a little ago, crowned with the highest honours the people of Rome can bestow, he seemed the most fortunate of men, as being the first that introduced the consulship into an old family, and one of the most ancient of the free towns of Italy: now, clothed in sordid apparel, spent with disease, oppressed with tears and sorrow, he is your suppliant, my lords; he sues to you for justice; he implores your compassion, and seeks protection from your power and interest. For Heaven's sake, my lords, let not that by which he hoped for an addition to his rank contribute to divest him of all his former honours, and of his whole dignity and fortune. For thus, my lords, does Murena supplicate and address you: if he has injured no man, if he never offended either in word or deed, if, to say the least, he has incurred no man's hatred in peace or war; let your tribunal be an asylum to moderation, a refuge to men in distress, and a place of protection to the modest. Great compassion, my lords, is due to the man who is stripped of the consulship; for, in losing that, he loses his all. But surely in these days there can be little reason for envying any one the possession of that dignity; since he is thereby exposed to the harangues of the seditious, the snares of conspirators, and the attacks of Catiline: in short, must singly oppose every danger, and all the attempts of malice. And therefore, my lords, I cannot see what there is in this so much coveted office, why either Murena, or any of us who are or have been possessed of it, should become objects of public envy. As to the many cares and solicitudes attending it, these are even now before my eyes, and cannot fail of being obvious and visible to you.

If (which Heaven forbid) your decision proves 41
unfavourable, whither shall the unhappy Murena

turn himself? homewards? to behold the image of his illustrious father deformed with ignominy, and covered with the marks of sorrow, which he so lately saw adorned with laurel, the object of his congratulations? To his mother? who, having but just embraced her son a consul, is now racked with fear, and apprehensive of seeing him despoiled of all his dignity? But why do I mention his mother, or his home, when the new penalty annexed to this law deprives him at once of parent, habitation, and the company and conversation of all his friends? Shall then the wretched Murena be banished? but whither? To the east, where he for many years served as lieutenant, where he commanded great armies, and where he performed many glorious actions? Alas! it is a hard lot to return with ignominy to a country which we have left with honour. Shall he hide his head in the opposite part of the globe, and appear mournful, dejected, and an exile in Transalpine Gaul, which lately with pleasure beheld him clothed with supreme command? With what eyes can he look on his brother C. Murena, in that province? what must be the anguish of the one? what the sorrow of the other? and how great the lamentation of both? What a reverse of fortune and discourse! that in the very place in which a few days before accounts arrived of Murena's being raised to the consulship, and whence strangers and friends flocked to pay him their compliments at Rome; there he himself should first arrive with the tidings of his own disgrace. If this, my lords, appear a hard, a cruel, and a mournful lot, if shocking to your humanity and compassion; preserve the favour bestowed by the Roman people, restore to the commonwealth her consul; show this respect to the purity of Murena's virtue, to the memory of his deceased father. to his quality, to his family, and likewise to Lanuvium, that most honourable corporation, whose disconsolate citizens you have seen attending in crowds during this whole trial.

Tear not from the patriot rites of Juno Sospita, which all consuls are obliged to celebrate, a domestic consul in whom she has so peculiar a right. If my recommendation, my lords, has any weight, if my assurances have any authority, I am ready to promise and engage for Murena, that he will prove a consul zealous for the public tranquillity, warmly attached to the friends of his country, keen in opposing sedition, brave in all the enterprises of war, and an irreconcilable enemy to this conspiracy, which now shakes the pillars of the commonwealth.*

* We have already had occasion to observe that Murena was acquitted; and, therefore, shall here only add that his administration fully answered the idea which Cicero, in this oration, endeavours to give of it; he proving an honest, faithful, and vigorous consul, a zealous opposer of those who sought the ruin of their country, and an irreconcilable enemy to all factious magistrates. This oration was spoken towards the latter end of the six hundred and ninetieth year of the city, in the consulship of Cicero and Antonius, a little before Murena took possession of that high dignity.

ORATION IX.—FOR A. LICINIUS ARCHIAS.

ARGUMENT.

A. Licinius Archias was a native of Antioch, and a very celebrated poet—He came to Rome when Cicero was about five years old, and was courted by men of the greatest eminence in it, on account of his learning, genius, and politeness—Among others, Lucullus was very fond of him, took him into his family, and gave him the liberty of opening a school in it, to which many of the young nobility and gentry of Rome were sent for their education—In the consulship of M. Pupius Piso and M. Valerius Messala, one Gracchus, a person of obscure birth, accused Archias on the law, by which those who were made free of any of the confederated cities, and at the time of passing the law dwelt in Italy, were obliged to claim their privilege before the pretor within sixty days—Cicero in his oration endeavours to prove that Archias was a Roman citizen in the sense of that law; but dwells chiefly on the praises of poetry in general, and the talents and genius of the defendant, which he displays with great beauty, elegance, and spirit—The oration was made in the forty-sixth year of Cicero's age, A. U. C. 692.

If, my lords, I have any abilities, and I am sensible they are but small; if, by speaking often, I have acquired any merit as a speaker; if I have derived any knowledge from the study of the liberal arts, which have ever been my delight, A. Licinius may justly claim the fruit of all; for, looking back on past scenes, and calling to remembrance the earliest part of my life, I find it was he who prompted me first to engage in a course of study, and directed me in it.* If my tongue, then formed and animated by him, has ever been the means of saving any, I am

* Cicero was put early under the care of Archias, and applied himself chiefly to poetry, to which he was naturally addicted: he made such a proficiency in it, that while he was still a boy, he composed and published a poem, called Glaucus Pontius, which was extant in Plutarch's time.

certainly bound by all the ties of gratitude to employ it in the defence of him, who has taught it to assist and defend others. And, though his genius and course of study are very different from mine, let no one be surprised at what I advance: for I have not bestowed the whole of my time on the study of eloquence; and besides, all the liberal arts are nearly allied to each other, and have, as it were, one common bond of union.

But, lest it should appear strange that in a legal proceeding, and a public cause, before an excellent pretor, the most impartial judges, and so crowded an assembly, I lay aside the usual style of trials, and introduce one very different from that of the bar; I must beg to be indulged in this liberty, which, I hope, will not be disagreeable to you, and which seems indeed to be due to the defendant—that while I am pleading for an excellent poet, and a man of great erudition, before so learned an audience, such distinguished patrons of the liberal arts, and so eminent a pretor, you would allow me to enlarge with some freedom on learning and liberal studies, and to employ an almost unprecedented language for one who, by reason of a studious and inactive life, has been little conversant in dangers and public trials. If this, my lords, is granted me, I shall not only prove that A. Licinius ought not, as he is a citizen, to be deprived of his privileges, but that, if he were not, he ought to be admitted.

For no sooner had Archias got beyond the years of childhood, and applied himself to poetry, after finishing those studies by which the minds of youth are usually formed to a taste for polite learning, than his genius showed itself superior to any at Antioch, the place where he was born, of a noble family: once indeed a rich and renowned city, but still famous for liberal arts, and fertile in learned men. He was afterward received with such applause in the other cities of Asia, and all over Greece, that though

they expected more than fame had promised concerning him, even these expectations were exceeded, and their admiration of him greatly increased. Italy was at that time full of the arts and sciences of Greece, which were then cultivated with more care among the Latins than now they are, and were not even neglected at Rome, the public tranquillity being favourable to them. Accordingly, the inhabitants at Tarentum, Rhegium, and Naples made him free of their respective cities, and conferred other honours on him; and all those who had any taste reckoned him worthy of their acquaintance and friendship. Being thus known by fame to those who were strangers to his person, he came to Rome in the consulship of Marius and Catulus; the first of whom had, by his glorious deeds, furnished out a noble subject for a poet; and the other, besides his memorable actions, was both a judge and a lover of poetry. Though he had not yet reached his seventeenth year, yet no sooner had he arrived than the Luculli took him into their family; which, as it was the first that received him in his youth, so it afforded him freedom of access even in old age; nor was this owing to his great genius and learning alone, but likewise to his amiable temper and virtuous disposition. At that time too, Q. Metellus Numidicus and his son Pius were delighted with his conversation; M. Æmilius was one of his hearers; Q. Catulus, both the elder and younger, honoured him with their intimacy; D. Crassus courted him; and being united, by the greatest familiarity, to the Luculli, Drusus, the Octavii, Cato, and the whole Hortensian family, it was no small honour to him to receive marks of the highest regard, not only from those who were really desirous of hearing him and of being instructed by him, but even from those who affected to be so.

A considerable time after, he went with L. Lucullus into Sicily, and, leaving that province in com-

pany with the same Lucullus, came to Heraclea, which being joined with Rome by the closest bonds of alliance, he was desirous of being made free of it; and obtained his request, both on account of his own merit, and the interest and authority of Lucullus. Strangers were admitted to the freedom of Rome, according to the law of Silvanus and Carbo, on the following conditions: "If they were enrolled by free cities: if they had a dwelling in Italy, when the law passed; and if they declared their enrolment before the pretor within the space of sixty days." Agreeably to this law, Archias, who had resided at Rome for many years, made his declaration before the pretor Q. Metellus, who was his intimate friend. If the right of citizenship and the law is all I have to prove, I have done: the cause is ended. For which of these things, Gracchus, can you deny? Will you say that he was not made a citizen of Heraclea at that time? Why, here is Lucullus, a man of the greatest credit, honour, and integrity, who affirms it; and that, not as a thing he believes, but as what he knows; not as what he heard of, but as what he saw; not as what he was present at, but as what he transacted. Here are likewise deputies from Heraclea, who affirm the same; men of the greatest quality, come hither on purpose to give public testimony in this cause. But here you will desire to see the public register of Heraclea, which we all know was burnt in the Italian war, together with the office wherein it was kept. Now is it not ridiculous to say nothing to the evidences which we have, and to desire those which we cannot have; to be silent as to the testimony of men, and to demand the testimony of registers; to pay no regard to what is affirmed by a person of great dignity nor to the oath and integrity of a free city of the strictest honour, evidences which are incapable of being corrupted, and to require those of registers which you allow to be frequently vitiated? But he did not reside at Rome.

what! he, who for so many years before Silvanus's law made Rome the seat of all his hopes and fortune? But he did not declare: so far is this from being true, that his declaration is to be seen in that register, which, by that very act, and its being in the custody of the college of pretors, is the only authentic one.

For the negligence of Appius, the corruption of Gabinius before his condemnation, and his disgrace after, having destroyed the credit of public records, Metellus, a man of the greatest honour and modesty, was so very exact, that he came before Lentulus the pretor and the other judges, and declared that he was uneasy at the erasure of a single name. The name of A. Licinius therefore is still to be seen; and as this is the case, why should you doubt of his being a citizen of Rome, especially as he was enrolled likewise in other free cities? For when Greece bestowed the freedom of its cities, without the recommendation of merit, on persons of little consideration, and those who had either no employment at all or very mean ones, is it to be imagined that the inhabitants of Rhegium, Locris, Naples, or Tarentum would deny to a man so highly celebrated for his genius what they conferred even on comedians? When others, not only after Silvanus's law, but even after the Papian law,* shall have found means to creep into the registers of the municipal cities, shall he be rejected who, because he was always desirous of passing for an Heraclean, never availed himself of his being enrolled in other cities? But you desire to see the enrolment of our estate; as if it were not well known, that under the last censorship the defendant was with the army commanded by that renowned general L. Lucullus: that under the censorship immediately preceding he was

* This law derived its name from one Papius, a tribune of the people, who restored the law made by Petronius, whereby strangers were forbid *to enjoy the* privileges of citizens.

with the same Lucullus then questor in Asia; and that, when Julius and Crassus were censors, there was no enrolment made? But, as an enrolment in the censors' books does not confirm the right of citizenship, and only shows that the person enrolled assumed the character of a citizen, I must tell you that Archias made a will according to our laws, succeeded to the estates of Roman citizens, and was recommended to the treasury by L. Lucullus,* both when pretor and consul, as one who deserved well of the state, at the very time when you allege that, by his own confession, he had no right to the freedom of Rome.

Find out whatever arguments you can, Archias will never be convicted for his own conduct, nor that of his friends. But you will no doubt ask the reason, Gracchus, of my being so highly delighted with this man? Why, it is because he furnishes me with what relieves my mind and charms my ears, after the fatigue and noise of the forum. Do you imagine that I could possibly plead every day on such a variety of subjects if my mind was not cultivated with science? or that it could bear being stretched to such a degree if it were not sometimes unbent by the amusements of learning? I am fond of these studies, I own: let those be ashamed who have buried themselves in learning so as to be of no use to society, nor able to produce any thing to public view; but why should I be ashamed, who for so many years, my lords, have never been prevented by indolence, seduced by pleasure, nor diverted by sleep, from doing good offices to others? Who then can censure me, or in justice be angry with me, if those hours which others employ in business, in pleasures, in celebrating public solemnities, in re-

* It was usual for the Roman generals to recommend those to the treasury who, in the course of a war, had done any considerable service to the state; which recommendation, as it did them no small honour, so it contributed not a little to their advancement.

freshing the body and unbending the mind; if the time which is spent by some in midnight banquetings, in diversions, and in gaming, I employ in reviewing these studies? And this application is the more excusable as I derive no small advantages from it in my profession; in which, whatever abilities I possess, they have always been employed when the dangers of my friends called for their assistance. If they should appear to any to be but small, there are still other advantages of a much higher nature, and I am very sensible whence I derive them. For had I not been convinced from my youth, by much instruction and much study, that nothing is greatly desirable in life but glory and virtue, and that, in the pursuit of these, all bodily tortures, and the perils of death and exile, are to be slighted and despised, never should I have exposed myself to so many and so great conflicts for your preservation, nor to the daily rage and violence of the most worthless of men. But on this head books are full, the voice of the wise is full, antiquity is full; all which, were it not for the lamp of learning, would be involved in thick obscurity. How many pictures of the bravest of men have the Greek and Latin writers left us, not only to contemplate, but likewise to imitate! These illustrious models I always set before me in the government of the state, and formed my conduct by contemplating their virtues.

But were those great men, it will be asked, who are celebrated in history, distinguished for that kind of learning which you extol so highly? It were difficult, indeed, to prove this of them all; but what I shall answer is, however, very certain. I own, then, that there have been many men of excellent dispositions and distinguished virtue, who, without learning, and by the almost divine force of Nature herself, have been wise and moderate; nay, further, that nature without learning is of greater efficacy *towards* the attainment of glory and virtue, than

learning without nature; but then, I affirm, that when to an excellent natural disposition the embellishments of learning are added, there results from this union something great and extraordinary. Such was that divine man Africanus, whom our fathers saw; such were C. Lælius and L. Furius, persons of the greatest temperance and moderation; such was old Cato, a man of great bravery, and, for the times, of great learning; who, surely, would never have applied to the study of learning, had they thought it of no service towards the acquisition and improvement of virtue. But were pleasure only to be derived from learning, without the advantages we have mentioned, you must still, I imagine, allow it to be a very liberal and polite amusement; for other studies are not suited to every time, to every age, and to every place; but these give strength in youth, and joy in old age; adorn prosperity, and are the support and consolation of adversity; at home they are delightful, and abroad they are easy; at night they are company to us; when we travel they attend us: and, in our rural retirements, they do not forsake us. Though we ourselves were incapable of them, and had no relish for their charms, still we should admire them when we see them in others.

Was there any of us so void of taste, and of so unfeeling a temper, as not to be affected lately with the death of Roscius?* For though he died in an advanced age, yet such was the excellence and inimitable beauty of his art, that we thought him worthy of living for ever. Was he then so great a favourite with us all on account of the graceful motions of his body; and shall we be insensible to the

* This was Roscius the comedian, whose extraordinary merit in his art had recommended him to the friendship and familiarity of the greatest men in Rome. His daily pay for acting is said to have been about thirty pounds. From the character which Cicero gives of him, we cannot but entertain a very high opinion of his merit; for he tells us that while he made the first figure on the stage for his art, he was worthy of the senate for his virtue.

surprising energy of the mind, and the sprightly sallies of genius? How often have I seen this Archias, my lords (for I will presume on your goodness, as you are pleased to favour me with so much attention in this unusual manner of pleading), how often, I say, have I seen him, without using his pen, and without any labour or study, make a great number of excellent verses on occasional subjects! How often, when a subject was resumed, have I heard him give it a different turn of thought and expression: while those compositions which he finished with care and exactness were as highly approved as the most celebrated writings of antiquity. And shall not I love this man? Shall I not admire him? Shall I not defend him to the utmost of my power? For men of the greatest eminence and learning have taught us that other branches of science require education, art, and precept; but that a poet is formed by the plastic hand of Nature herself, is quickened by the native fire of genius, and animated, as it were, by a kind of divine enthusiasm. It is with justice therefore that our Ennius bestows on poets the epithet of "venerable," because they seem to have some peculiar gifts of the gods to recommend them to us. Let the name of poet, then, which the most barbarous nations have never profaned, be revered by you, my lords, who are so great admirers of polite learning. Rocks and deserts re-echo sounds; savage beasts are often soothed by music, and listen to its charms: and shall we, with all the advantages of the best education, be unaffected with the voice of poetry? The Calophonians give out that Homer is their countryman; the Chians declare that he is theirs; the Salaminians lay claim to him; the people of Smyrna affirm that Smyrna gave him breath, and have accordingly dedicated a temple to him in their city: besides these, many other nations contend warmly for this honour.

Do they then lay claim to a stranger even after

his death, on account of his being a poet; and shall we reject this living poet, who is a Roman both by inclination and the laws of Rome; especially as he has employed the utmost efforts of his genius to celebrate the glory and grandeur of the Roman people? For, in his youth, he sang the triumphs of C. Marius over the Cimbri, and even pleased that great general, who had but little relish for the charms of poetry. Nor is there any person so great an enemy to the Muses as not readily to allow the poet to blazon his fame, and consecrate his actions to immortality. Themistocles, that celebrated Athenian, on being asked what music, or whose voice, was most agreeable to him, is reported to have answered, "that man's who could best celebrate his virtues." The same Marius, too, had a very high regard for L. Plotius, whose genius, he thought, was capable of doing justice to his actions. But Archias has described the whole Mithridatic war; a war of such danger and importance, and so very memorable for the great variety of its events both by sea and land. Nor does his poem reflect honour only on L. Lucullus, that very brave and renowned man, but likewise adds lustre to the Roman name: for, under Lucullus, the Roman people penetrated into Pontus, impregnable till then by means of its situation and the arms of its monarchs; under him the Romans, with no very considerable force, routed the numberless troops of the Armenians; under his conduct, too, Rome has the glory of delivering Cyzicum, the city of our faithful allies, from the rage of a monarch, and rescuing it from the devouring jaws of a mighty war. The praises of our fleet shall ever be recorded and celebrated for the wonders performed at Tenedos, where the enemy's ships were sunk, and their commanders slain: such are our trophies, such our monuments, such our triumphs. Those, therefore, whose genius describes these exploits, celebrate likewise the

praises of the Roman name. Our Ennius* was greatly beloved by the elder Africanus; and accordingly, he is thought to have a marble statue among the monuments of the Scipios. But those praises are not appropriated to the immediate subjects of them; the whole Roman people has a share in them. Cato,† the ancestor of the judge here present, is highly celebrated for his virtues, and from this the Romans themselves derive great honour: in a word, the Maximi, the Marcelli, the Fulvii cannot be praised, without praising every Roman.

Did our ancestors then confer the freedom of Rome on him who sang the praises of her heroes, on a native of Rudiæ; and shall we thrust this Heraclean out of Rome, who has been courted by many cities, and whom our laws have made a Roman? For if any one imagines that less glory is derived from the Greek than from the Latin poet, he is greatly mistaken; the Greek language is understood in almost every nation, whereas the Latin is confined to Latin territories,—territories extremely narrow. If our exploits, therefore, have reached the utmost limits of the earth, we ought to be desirous that our glory and fame should extend as far as our arms: for as these operate powerfully on the people whose actions are recorded, so to those who expose their lives for the sake of glory they are the grand motives to toils and dangers. How many persons is Alexander the Great reported to have carried along with him to write his history! And yet, when he stood by the tomb of Achilles at Sigæum, "Happy youth," he cried, "who could find a Homer to blazon thy fame!" And what he said

* Ennius was an ancient poet, born at Rudiæ, a town of Calabria. He wrote several things, of which only a few fragments have reached us. Scipio Africanus had a great regard for him; and according to Valerius Maximus, erected his statue among the monuments of the Cornelian family.

† The Cato here mentioned is Cato Major, who was a great general, an able lawyer and statesman, and a very considerable orator.

was true; for had it not been for the Iliad, his ashes and fame had been buried in the same tomb. Did not Pompey the Great, whose virtues were equal to his fortune, confer the freedom of Rome, in the presence of a military assembly, on Theophanes of Mitylene, who sang his triumphs? And these Romans of ours, men brave indeed, but unpolished and mere soldiers, moved with the charms of glory, gave shouts of applause, as if they had shared in the honour of their leader. Is it to be supposed then that Archias, if our laws had not made him a citizen of Rome, could not have obtained his freedom from some general? Would Sylla, who conferred the rights of citizenship on Gauls and Spaniards, have refused the suit of Archias—that Sylla, whom we saw in an assembly, when a bad poet, of obscure birth, presented him a petition on the merit of having written an epigram in his praise of unequal hobbling verses, order him to be instantly rewarded out of an estate he was selling at the time, on condition he should write no more verses? Would he, who even thought the industry of a bad poet worthy of some reward, not have been fond of the genius, the spirit, and eloquence of Archias? Could our poet, neither by his own interest nor that of the Luculli, have obtained from his intimate friend Q. Metellus Pius the freedom of Rome, which he bestowed so frequently on others? especially as Metellus was so very desirous of having his actions celebrated, that he was even somewhat pleased with the dull and barbarous verses of the poets born at Corduba.*

Nor ought we to dissemble this truth, which cannot be concealed, but declare it openly: we are all influenced by the love of praise, and the greatest minds have the greatest passion for glory. The

* Corduba was a city of Hispania Bætica; it gave birth to several bad poets, whose barbarous and bombast manner of writing Cicero here touches on.

philosophers themselves prefix their names to those which they write on the contempt of glory; by which they show that they are desirous of praise and fame, while they affect to despise them. Decimus Brutus,* that great commander and excellent man, adorned the monuments of his family and the gates of his temples with the verses of his intimate friend Attius:† and Fulvius, who made war with the Ætolians attended by Ennius, did not scruple to consecrate the spoils of Mars to the Muses. In that city, therefore, where generals, with their arms almost in their hands, have reverenced the shrines of the Muses and the name of poets, surely magistrates in their robes, and in times of peace, ought not to be averse to honouring the one, or protecting the other. And to engage you the more readily to this, my lords, I will lay open the very sentiments of my heart before you, and freely confess my passion for glory; which, though too keen perhaps, is however virtuous. For what I did in conjunction with you during my consulship, for the safety of this city and empire, for the lives of my fellow-citizens, and for the interests of the state, Archias intends to celebrate in verse, and has actually begun his poem: on reading what he has written, it appeared to me so sublime, and gave me so much pleasure, that I encouraged him to go on with it. For virtue desires no other reward for her toils and dangers but praise and glory: take but this away, my lords, and what is there left in this short, this scanty career of human life, that can tempt us to engage in so many and so great labours? Surely, if the Mind had no thought of futurity, if she confined all her views within those limits which bound our present existence, she would neither waste her

* This Decimus Brutus was consul with Scipio, A. U. C. 616, and going general into Spain, routed 60,000 of the Gallæcians for which he got the surname of Gallæcius.

† This Attius, or Accius, was a dramatic poet.

strength in so great toils, nor harass herself with so many cares and watchings, nor struggle so often for life itself: but there is a certain principle in the breast of every good man, which both day and night quickens him to the pursuit of glory, and puts him in mind that his fame is not to be measured by the extent of his present life, but that it runs parallel with the line of posterity.

Can we, who are engaged in the affairs of the state, and in so many toils and dangers, think so meanly as to imagine that, after a life of uninterupted care and trouble, nothing shall remain of us after death? If many of the greatest men have been careful to leave their statues and pictures,—these representations, not of their minds, but of their bodies; ought not we to be much more desirous of leaving the portraits of our enterprises and virtues drawn and finished by the most eminent artists? As for me, I have always imagined, while I was engaged in doing whatever I have done, that I was spreading my actions over the whole earth, and that they would be held in eternal remembrance. But whether I shall lose my consciousness of this at death, or whether, as the wisest men have thought, I shall retain it after, at present the thought delights me, and my mind is filled with pleasing hopes. Do not then deprive us, my lords, of a man whom modesty, a graceful manner, engaging behaviour, and the affections of his friends so strongly recommend; the greatness of whose genius may be estimated from this, that he is courted by the most eminent men of Rome; and whose plea is such, that it has the law in its favour, the authority of a municipal town, the testimony of Lucullus, and the register of Metellus. This being the case, we beg of you, my lords, since in matters o such importance not only the intercession of men but of gods is necessary, that the man who has always celebrated your virtues, those of your generals, and the

victories of the Roman people; who declares that he will raise eternal monuments to your praise and mine for our conduct in our late domestic dangers; and who is of the number of those that have ever been accounted and pronounced divine, may be so protected by you as to have greater reason to applaud your generosity than to complain of your rigour. What I have said, my lords, concerning this cause, with my usual brevity and simplicity, is, I am confident, approved by all: what I have advanced on poetry in general, and the genius of the defendant, contrary to the usage of the forum and the bar, will, I hope, be taken in good part by you; by him who presides on the bench, I am convinced it will.

END OF VOL. I.